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PENNSYLVANIA ARCHIVES.

Fourth Series.

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PAPERS OF THE GOVERNORS.









GOVERNOR JOHN FREDERICK HARTRANFT.  
Equestrian Statue in the Capitol Grounds at Harrisburg.

# PENNSYLVANIA ARCHIVES

Fourth Series

EDITED BY  
GEORGE EDWARD REED, LL.D.

UNDER THE DIRECTION OF  
HON. W. W. GRIEST  
SECRETARY OF THE COMMONWEALTH.

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VOLUME IX.  
**PAPERS OF THE GOVERNORS.**  
1871-1883.

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HARRISBURG:  
THE STATE OF PENNSYLVANIA.  
WM. STANLEY RAY, STATE PRINTER.  
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## TABLE OF CONTENTS.

(VOLUME IX.)

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### CHAPTER I.

THE ADMINISTRATION OF JOHN WHITE GEARY, 1867-1873 (CONCLUDED), .....	1
---	---

### CHAPTER II.

THE ADMINISTRATION OF JOHN FREDERICK HART- RANFT, 1873-1879, .....	203
---	-----

### CHAPTER III.

THE ADMINISTRATION OF HENRY MARTYN HOYT, 1879-1883, .....	709
--	-----



## ILLUSTRATIONS.

---

EQUESTRIAN STATUE OF GOVERNOR JOHN FREDERICK HARTRANFT IN THE CAPITOL GROUNDS AT HARRISBURG, .	<i>Frontispiece.</i>
JOHN WHITE GEARY, . . . . .	<i>Facing page 2</i>
GEORGE GORDON MEADE, . . . . .	<i>Facing page 172</i>
JOHN FREDERICK HARTRANFT, . . . . .	<i>Facing page 204</i>
HENRY MARTYN HOYT, . . . . .	<i>Facing page 710</i>
PROCLAMATION BY GOVERNOR HOYT IN FAC SIMILE, . . . . .	<i>Facing page 876</i>
GOVERNOR HOYT'S LETTER OF TRANS- MITTAL, . . . . .	<i>Facing page 878</i>









*John W. Geary*

JOHN WHITE  
GEARY.

Governor of the Common-  
wealth,  
1867-1873.

(CONTINUED).



# PENNSYLVANIA ARCHIVES

Fourth Series.

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Chapter I.

JOHN WHITE GEARY,

Governor of the Commonwealth.

1867-1873.

(CONTINUED).

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To the Assembly Vetoing "An Act to Extend the Time for the payment of the Enrolment Tax upon the Act to Incorporate the Shippensburg Iron and Manufacturing Company."

Executive Chamber,  
Harrisburg, January 2, 1871.

Gentlemen:—

HAVING, ON THE 14TH DAY OF APRIL LAST approved a general bill for extending the time for the payment of enrolment taxes for the year from the first day of May, 1870, it is deemed unnecessary to sign any special enactments for the same purpose, Senate bill, No. 1576, entitled "An Act to extend the time for the payment of the enrolment tax upon the act to incorporate the Shippensburg iron and manufacturing company," is, therefore, returned without approval.

JNO. W. GEARY.

To the Assembly Transmitting Certain Documents  
Concerning the Erie Harbor.

Executive Chamber,  
Harrisburg, January 13, 1871.

Gentlemen:—

I HAVE RECEIVED FROM THE HON. WILLIAM W. Belknap, Secretary of War, a communication, dated 10th January, 1871, enclosing a letter to him from General A. A. Humphreys, Chief of Engineers, dated 16th November, 1870, and also a copy of a report from a board of engineers, appointed under authority of the United States, "to examine and report upon the condition of the peninsula of Erie harbor, especially the western portion of the same, and to prepare such plans for its protection, with estimates of cost, as the preservation of the same may seem to require.

It is represented that a certain corporation, known as the Marine hospital of Erie, has done sundry acts upon said peninsula, and is about to do others, highly prejudicial to the preservation of the harbor as a means of commerce, and likely to frustrate the plans and diminish the value of the improvements heretofore made to said harbor, for its preservation, by the government of the United States

Believing in the great value and importance of the harbor for the purposes of National and State commerce, and that it is both the interest and duty of the State of Pennsylvania to co-operate with the National Government in all proper means for its preservation and improvement, I herewith transmit to the Legislature the communications referred to for information; and earnestly recommend a thorough examination of the whole subject, and that such action shall be promptly taken as will effectually guard against all injury, and ensure the preservation of the harbor for

commercial purposes, so far as it can be done by the Legislature of the State.

JNO. W. GEARY.

---

To the Senate Nominating Hiester Clymer a Commissioner of the Board of Public Charities.

Executive Chamber,  
Harrisburg, January 17, 1871.

Senators:—

**T**HE TERM OF THE HON. HIESTER CLYMER, of the county of Berks, one of the Commissioners of the Board of Public Charities, having expired on the first day of December, A. D. 1870, I do hereby, in conformity with the provisions of the act of the General Assembly, entitled "An Act to create a Board of Public Charities," approved the 24th day of April, A. D. 1869, nominate, for the advice and consent of the Senate, the said the Hon. Hiester Clymer, be one of the Commissioners of the Board of Public Charities for and during the term of five years, to be computed from the 1st day of December, A. D. 1870.

JNO. W. GEARY

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To the Senate Giving Notice of the Appointment of Certain Major Generals of the National Guard of Pennsylvania.

Executive Chamber,  
Harrisburg, January 17, 1871.

Senators:—

**O**N THE SECOND DAY OF SEPTEMBER, A. D. 1870, I appointed John F. Hartranft, of the county of Montgomery, to be Major General of the Second division of the National Guard of Penn-

sylvania, composed of the counties of Bucks, Montgomery and Delaware, and Thomas J. Jordan, of the county of Dauphin, to be Major General of the Fifth division, composed of the counties of Berks, Lebanon and Dauphin.

On the seventeenth day of September, A. D. 1870, Harry White, of the county of Indiana, to be Major General of the Twenty-first division, composed of the counties of Indiana, Jefferson, Clearfield and Cambria, and H. S. Huidekoper, of the county of Crawford, to be Major General of the Twentieth division, composed of the counties of Crawford, Erie, Venango and Warren.

On the twenty-sixth day of September, A. D. 1870, James L. Selfridge, of the county of Northampton, to be Major General of the Seventh division, composed of the counties of Northampton and Lehigh, and Thomas L. Kane, of the county of M'Kean, to be Major General of the Twelfth division, composed of the counties of Clarion, Elk, M'Kean and Forest.

On the first day of October, A. D. 1870, Joshua K. Sigfried, of the county of Schuylkill, to be Major General of the Sixth division, composed of the counties of Schuylkill, Monroe, Carbon and Pike, and T. F. Gallagher, of the county of Westmoreland, to be Major General of the Seventeenth division, composed of the counties of Westmoreland, Fayette, Washington and Greene.

On the twelfth day of October, A. D. 1870, James A. Beaver, of the county of Centre, to be Major General of the Fourteenth division, composed of the counties of Juniata, Mifflin, Centre and Huntingdon.

Said appointments having been made subject to the advice and consent of the Senate of Pennsylvania, in accordance with the provisions of the act of the fourth day of May, A. D. 1864, entitled "An Act for the organization, discipline and regulation of the mi-



litia of the Commonwealth of Pennsylvania," they are hereby submitted for such advice and consent.

JNO. W. GEARY.

---

To the Assembly Transmitting Certain Documents  
Concerning Federal Jurisdiction over State Territory  
used for Military or Public Purposes.

Executive Chamber,  
Harrisburg, January 18, 1871.

Gentlemen:—

**T**HE ENCLOSED COMMUNICATION FROM THE Hon. William W. Belknap, Secretary of War, with the attached paper, will bring to your attention the important subject of United States jurisdiction over such portions of State territory as has been or may hereafter be used for forts, arsenals or other public purposes; and I earnestly invite your early and careful consideration of the whole subject. All can appreciate the importance of having it regulated by uniform laws in the several States; and it is believed the accompanying statute from Maine, with slight modifications, can be made to answer very well the purposes intended.

JNO. W. GEARY.

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To the Senate Nominating James P. Wickersham  
State Superintendent of Soldiers' Orphans.

Executive Chamber,  
Harrisburg, February 3, 1871.

Gentlemen:—

**I** HEREBY NOMINATE AND APPOINT JAMES P. Wickersham, subject to the advice and consent of the Senate, to be State Superintendent of Soldiers' Orphans for three years, vice Col. George F. M'Farland, resigned.

The resignation to take effect from the confirmation of his successor, and the duties of said office to be performed in addition to those of Superintendent of Common Schools.

JNO. W. GEARY.

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To the Senate Transmitting the Opinion of the Hon. F. Carroll Brewster upon the Power of Railroad Companies to Impose Advanced Rates of Freight on the Transportation of Anthracite Coal, with Comments Thereon.

Executive Chamber,  
Harrisburg, February 28, 1871.

Gentlemen:—

**I**N COMPLIANCE WITH YOUR PREAMBLE and resolution of the 24th inst., I have procured, and have the honor to transmit herewith, the opinion of the Hon. F. Carroll Brewster, Attorney General of the State, upon the power of railroad companies to impose advanced rates of freight on the transportation of anthracite coal.

The numerous acts of Assembly to be examined, and the early day at which you required the desired information, have measurably precluded that thorough investigation which the importance of the subject demands. It is hoped, however, that the enclosed opinion, and the references to the laws attached thereto, will enable the Legislature to act promptly and intelligently in the premises.

The unsatisfactory condition of things in the anthracite coal regions and of other important interests affected thereby, have been under serious consideration; and I had it in contemplation, at the time of the

receipt of your preamble and resolution, to communicate with the Legislature by special message on the subject. You enumerate no railroads or transportation companies which have violated the laws, and give no data showing what their rates of charges have been heretofore, or what they are now; and the newspapers of the day are our main source of information on these important facts. It seems to be conceded that there has been a general suspension of work on the part of the miners, and that there is a triangular controversy among them, the owners of the mines, and the transportation companies, each laying the blame upon the others. It appears that owing to a large reduction in the wages of the miners, work was suspended by them in January last. About the middle of the present month an arrangement was effected under which the work was resumed. After a few days labor the miners were informed by the operators that the transportation companies had largely increased their charges for freights—in some instance more than doubled them—in consequence of which the mining was again suspended, and so continues. The results are that little or no coal is being mined or forwarded to market; miners and laborers are out of employment; the supply of coal on hand is becoming rapidly exhausted; forges, furnaces and other manufactories which use the coal for fuel have been compelled to stop, throwing large numbers of laborers out of employment, to the great loss and damage of all concerned, to the great injury of our people, and the general prostration and derangement of all those important interests connected with coal operations. These things ought not so to be, and it is considered both the right and the duty of the Legislature to apply the proper remedy and arrest the evil.

From a hasty examination, it appears the principal corporations transporting anthracite coal are the Phil-

adelphia and Reading railroad company, the Delaware, Lackawanna and Western, the Lehigh and Susquehanna, the Lehigh Valley, the Lackawanna and Bloomsburg, and the Delaware and Hudson canal company. Of these the Lehigh Valley and the Lackawanna and Bloomsburg are under and subject to the provisions of the general railroad law of 19th February, 1849, the eighteenth section of which prescribes the rates of transportation, and the twentieth section of which reserves to the Legislature the right to revoke the charters and take possession of the roads created under or subject to that law, as follows:

“If any company, incorporated as aforesaid, shall at any time misuse or abuse any of the privileges granted by this act, or by the special act of incorporation, the Legislature may revoke all and singular the rights and privileges so granted to such company; and the Legislature hereby reserves the power to resume, alter or amend any charter granted under this act, and take, for public use, any road constructed in pursuance of such charter: Provided, That in resuming, altering or amending said charters, no injustice shall be done to the corporators; and that, in taking such roads for public use, full compensation shall be made to the stockholders.”

So far as relates to the charges for tolls, and the power of the Legislature to modify the charter, the Philadelphia and Reading railroad company appears to remain subject to the provisions of its original charter, approved 4th April, 1833. The twentieth section declares, “That the toll on any species of property shall not exceed an average of four cents per ton per mile, nor upon each passenger an average of two cents per mile,” and the twenty-fifth section of said act is as follows: “That if the said company shall at any time misuse or abuse any of the privileges hereby granted, the Legislature may resume all and singular the rights and privileges hereby granted to the said corporation.”

The rates of toll on the Lehigh and Susquehanna railroad company appear to be regulated by the fifth section of the act approved 13th March, 1837, and the eighteenth section of the general railroad law of 1849. The former limits the charges on coal to one and one-half cents per ton per mile, whilst the latter allows double these rates, under the regulations therein prescribed. But in the last clause of the eleventh section of the act of 13th March, 1837, it is expressly provided: "That the Legislature may reduce or regulate the tolls on the said railroad." And in the twentieth section of the original act of incorporation, approved 20th March, 1818, it is expressly declared that, "if they (the company) shall at any time hereafter misuse or abuse any of the privileges granted by this act \* \* \* the Legislature may resume all and singular the rights, liberties and privileges hereby granted."

The rates of toll, &c., on the Delaware, Lackawanna and Western road are regulated by the proviso in the twenty-seventh section of the act approved 7th April, 1832, the second section of the act of 6th April, 1850, and the eighteenth section of the general railroad law of 1849. And in the thirty-fourth section of the act approved 7th April, 1832, and in the seventh section of the act of 9th April, 1849, the Legislature "reserves the right to alter, amend or repeal this charter whenever its privileges shall be abused, or found injurious to the citizens of this Commonwealth."

The Delaware and Hudson canal company revives its original authority under the act approved 13th March, 1823, the tenth and eleventh sections of which regulate the charge for freights. The second section of the act of 1st April, 1825, limits the tolls on the canal to one and one half cents per ton per mile, and the fifth section of the act approved 5th April, 1826,

limits the charges for tolls on the railroad to "a sum not exceeding twelve per cent. per annum upon the amount of moneys which shall have been expended in the construction of said railroad and other devices, and in the support, improvement and continuance of the same."

The seventh section of the act of 1st April, 1825, provides "that if the said company shall misuse or abuse the privileges hereby granted, the Legislature reserve the right to repeal this act."

The twenty-sixth section of the first article of the State Constitution (amendment of 1875) is as follows:

"The Legislature shall have the power to alter, revoke or annul any charter of incorporation hereafter conferred by or under any special or general law, whenever, in their opinion, it may be injurious to the citizens of the Commonwealth; in such manner, however, that no injustice shall be done to the corporators."

The twentieth section of the general railroad law of 19th February, 1849, has been already herein cited, in which is expressly reserved to the Legislature the additional authority to "take for public use any road constructed in pursuance of such charter." \* \* \* Provided, "That in taking such roads for public use, full compensation shall be made to the stockholders."

Time will not allow further investigations; but there is no doubt an examination of the charters of other companies engaged in the transportation of anthracite coal, would show substantially the same limitations upon their powers to charge freights, and similar reservations of power to the Legislature to regulate the charges, resume the corporate franchises, repeal the charters or take the roads for public use.

By the existing condition of things, miners and laborers and those dependent upon them, are greatly injured; large classes of our manufacturers are crip-

pled in their business, or compelled wholly to suspend for want of fuel; coal is vastly increased in price, beyond the capacity of the poor to purchase even for the common necessaries of life; commerce and other important dependent interests are paralyzed, and the good name of the State has been made to suffer reproach. Chartered privileges were never granted or designed to bring about such results as these; and if, as represented, the corporations have misused or abused their privileges, or acted in this matter without authority of law, and thereby entailed upon us these manifold evils, public duty, justice and humanity alike appeal to the Legislature for adequate and speedy redress; and it is earnestly hoped and expected the appeal will not be made in vain.

JNO. W. GEARY.

OPINION OF ATTORNEY GENERAL.

Office of the Attorney General,  
Harrisburg, February 25, 1871.

To His Excellency John W. Geary, Governor:

Sir:—I have the honor to acknowledge the receipt of your communication, enclosing a copy of Senate resolution of 24th instant, requesting “at the earliest possible moment, my opinion upon the power of railroad companies to impose rates of freight, by which the cost of coal is doubled to the consumer, and the public threatened the total loss of this indispensable article.”

The subject therein referred to has received careful consideration. I regret that the brief time allowed for the preparation of this report, prevents me from stating more than the conclusions to which I have arrived, without permitting me to give the reasons and authorities by which they are supported.

I am of opinion, that as to all companies incorporated after the adoption of the Constitution of 1857, the remedy for any injury to the public is entirely in the hands of the Legislature.

The right of railroad and transportation companies to impose rates of freight is a franchise, the extent of which, should always be carefully limited in the charter conferring the privilege. A sample of the manner in which the charters of these companies profess to protect the public interests, is to be found in an act of incorporation, approved April 4, 1833. The re-

striction there used is in these words: "The toll on any species of property shall not exceed an average of four cents per ton per mile." (P. L. 1832-3, p. 154.)

These words received a judicial construction in the case of *Boyle vs. Railroad Company*, (4 P. F. Smith, 310,) wherein it was ruled that the company "might charge for transportation in addition to the toll." Judge Strong, in a learned opinion, examines the whole subject. He says:

"The Legislature must be considered as having used words in the ordinary signification, and especially so, when their technical sense and their ordinary signification are the same. The legal meaning of the word "toll" is, and always has been, well defined. It is a 'tribute or custom paid for passage,' not for carriage—always something taken for a liberty or privilege, not for a service; and such is the common understanding of the word. Nobody supposes that tolls taken by a turnpike or canal company, include charges for transportation, or that they are anything more than an excise demanded and paid for the privilege of using the way."

It is very much to be regretted that the powers to charge for transportation should thus have been placed by the Legislature, almost entirely at the discretion of the carrying company.

It would be a large saving to the Commonwealth if all bills could be thoroughly examined and reported upon by a competent commission, and thus the use of a single unapt word, might not be the occasion of litigation and perhaps injury.

The right of each transporting company, in this particular, is only to be ascertained by a thorough examination of its charter and supplements. If the expression above quoted is used in all similar acts, the power to charge seems to be without limit, save only,

I. In the discretion and responsibility of the gentlemen composing the board of directors; and

II. In the constitutional authority of the Legislature.

The latter safeguard is in the twenty-sixth section of Article I, and is in these words:

"The Legislature shall have the power to alter, revoke or annul any charter of incorporation, hereafter conferred by or under any special or general law, whenever in their opinion it may be injurious to the citizens of the Commonwealth, in such manner, however, that no injustice shall be done to the incorporators."

If the cost of coal has been "doubled to the consumer, and



the public threatened with the total loss of this indispensable article," a case is certainly presented of great "injury to the citizens of the Commonwealth," which if within the constitutional protection, may certainly be remedied by legislative enactment. It may not be improper to add, that even for the performance of a lawful act, the law does not permit parties to combine if the intent is individual benefit at the expense of public right. This is what Chief Justice Gibson alluded to in *Commonwealth vs. Carlisle*, (*Brightly's Reports*, 39,) when he spoke of the "object to be attained as a consequence of the lawful act."

In *Commonwealth vs. Tack*, Judge Ludlow applied this principle to a combination to raise the price of oil, and held that where there is "an intent to benefit the parties concerned to the prejudice of the public, by force, fraud or menaces, where prejudices and oppression are the natural and necessary consequences, the offence is indictable."

The result is therefore to be thus stated:

When the wrong referred to in the Senate resolution, is perpetrated by a single corporation, whose charter is dated subsequent to 1857, the Legislature can exercise its power. When two or more companies conspire to oppress the public, the officers are indictable.

With great respect,

Your obedient servant,

F. CARROLL BREWSTER,

Attorney General.

#### LEHIGH AND SUSQUEHANNA RAILROAD.

Act March 13, 1837, section 5, P. L. 55. "The Lehigh coal and navigation company may charge and receive tolls for passing on the said railroad: On coal, not exceeding one and a-half cents per ton per mile; on other articles, not exceeding two cents per mile per ton; on each horse not employed in drawing a car or carriage on which toll is charged, one cent per mile; on each person drawn in a car or carriage, other than the driver, one cent per mile: Provided, That at inclined planes, where stationary power is required, three times the toll allowed by this section for one mile of road may be charged for any article passing up or down such plane."

Act of April 6, 1844, P. L. 215, section 3. "That it shall be lawful for the Lehigh coal and navigation company to charge and collect a toll, not exceeding one cent a mile, for each passenger traveling on their navigation."

Act of 4th March, 1863, P. L. 100, section 2. "That instead of being allowed as heretofore to charge at each inclined plane where stationary power is used, three times the toll allowed for one mile of road, said company may charge at each plane not exceeding three times as much as for a length of road with locomotive power equal to the length of such inclined plane."

Section 4. Extending to said road the provisions of the eighteenth section of the act of February 19, 1849.

Act of February 19, 1849, section 18. "That upon the completion of any railroad authorized as aforesaid, the same shall be esteemed a public highway, for the conveyance of passengers and the transportation of freight, subject to such rules and regulations in relation to the same, and to the size and construction of wheels, cars and carriages, the weight of loads and all other matters and things connected with the use of said railroad, as the president and directors may prescribe and elect: Provided, That the said company shall have exclusive control of the motive power, and may from time to time establish, demand and receive such rates of toll, or other compensation for the use of such road and of said motive power, and for the conveyance of passengers, the transportation of merchandise and commodities, and the cars or other vehicles containing the same, or otherwise passing over or on the said railroad, as to the president or directors shall seem reasonable: Provided however, nevertheless, That said rates of toll and motive power charges so to be established, demanded or received, when the cars used for such conveyance or transportation are owned or furnished by others, shall not exceed two and one-half cents per mile for each ton of two thousand pounds of freight, three cents per mile for each passenger or baggage car, and two cents per mile for each burden or freight car, every four wheels being computed a car; and in the transportation of passengers, no charge shall be made to exceed three cents per mile for through passengers, and three and a half cents per mile for way passengers."

#### PHILADELPHIA AND READING RAILROAD.

Act of April 4, 1833, P. L. 154, section 20. "That it shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations for the due ordering of all traveling and transportation on the said road, and for its preservation, with power to alter, repeal, enlarge or amend the said rules and regulations, as they may deem expedient; and that they shall have full power and authority

to prescribe the kind and descriptions of cars, carriages or wagons to be used on the said road, for the conveyance of passengers and the transportation of mails, or of goods, wares, merchandise and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof as they may deem expedient: Provided, That the toll on any species of property shall not exceed an average of four cents per ton per mile, nor upon each passenger an average of two cents per mile."

#### LEHIGH VALLEY RAILROAD.

Section 21, act of April 21, 1846. "The said company is hereby authorized to charge and take toll for freight and transportation of passengers, goods, wares, merchandise and minerals at rates as follows, to wit: On goods, wares, merchandise, property or minerals transported on said railroad, or any finished part thereof, any sum not exceeding one and a-half cents per ton per mile, for toll, and one and a-half cents per ton per mile, for transportation; and for toll and for transportation of passengers, not exceeding three and one-half cents per mile for each passenger."

Section 22. "That in declaring the semi-annual dividends, as provided for in the tenth section of this act, of the net profits arising from the resources of said company, after deducting the current contingent expenses, it shall be found that said net profits exceed ten per cent. per annum on the capital expended, then the toll shall be so reduced as to keep the percentage below that amount."

Act of 18th May, 1857, section 90. "That in view of the completion of the Lehigh Valley Railroad, schutes or pockets become necessary at the point where it crosses the Delaware division of the Pennsylvania canal, to facilitate transshipment to the canal; it shall, therefore, be lawful for the said Lehigh Valley railroad company to construct, at the points named, sufficient pockets to accommodate said trade; on the completion of which, the president and treasurer of said company shall report under oath to the Canal Commissioners, the cost of the same, and the Canal Commissioners shall allow the aforesaid company a drawback of twenty-five per centum on the amount of tolls paid to the Commonwealth on coal which shall have passed over the railroad of the said company and shipped on the canal, until the said drawback shall amount to the sum expended for this purpose by the said company: Provided,

That the amounts of drawbacks to be allowed said company shall not exceed the sum of ten thousand dollars."

Act of 8th of March, 1856, section 3. "That the said Lehigh Valley railroad company shall have all the rights, powers and privileges, and be subject to all the restrictions, provisions and liabilities of the act, entitled "An Act regulating railroad companies," approved the 19th day of February, 1849; and that the act incorporating the Delaware, Lehigh, Schuylkill and Susquehanna railroad company, approved the 21st day of April, 1846, be and the same is hereby repealed; but that the several supplements thereto be and remain in full force and virtue: Provided however, That nothing contained in this act shall be construed to repeal any restrictions contained in former acts, in relation to the construction of the said railroad, so as not to interfere with the works of the Lehigh coal and navigation company, nor in any manner to release the Lehigh Valley railroad company from any obligation imposed upon said company by any contracts or agreements heretofore made between the said Lehigh Valley railroad company and the Lehigh coal and navigation company, in relation to the location or construction of the said Lehigh Valley railroad."

Act of 19th February, 1849, section 18. "That upon the completion of any railroad authorized as aforesaid, the same shall be esteemed a public highway, for the conveyance of passengers and the transportation of freight, subject to such rules and regulations in relation to the same, and to the size and construction of wheels, cars and carriages, the weight of loads and all other matters and things connected with the use of said railroad, as the president and directors may prescribe and elect: Provided, That the said company shall have exclusive control of the motive power, and may from time to time establish, demand and receive such rates of toll, or other compensation for the use of such road and of said motive power, and for the conveyance of passengers, the transportation of merchandise and commodities, and the cars or other vehicles containing the same, or otherwise passing over or on the said railroad, as to the president or directors shall seem reasonable: Provided however, nevertheless, That said rates of toll and motive power charges, so to be established, demanded or received, when the cars used for such conveyance or transportation are owned or furnished by others, shall not exceed two and one-half cents per mile for each passenger, three cents per mile for each ton of two thousand pounds of freight, three cents per mile for each passenger or baggage

car, and two cents per mile for each burden or freight car, every four wheels being computed a car; and in the transportation of passengers no charge shall be made to exceed three cents per mile for through passengers, and three and a half cents per mile for way passengers."

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To the Assembly Concerning the Centennial Exhibition at Philadelphia and Transmitting an Act of Congress Relating Thereto.

Executive Chamber,  
Harrisburg, March 3, 1871.

Gentlemen:—

**D**URING THE LAST SESSION OF THE LEGISLATURE of this Commonwealth a joint committee visited Washington city to urge upon Congress the propriety of holding a National Industrial Exhibition at the city of Philadelphia in the year 1876, in honor of the one hundredth anniversary of American independence. In response to these solicitations and like efforts by the city authorities of Philadelphia, and the active co-operation of our Representatives in Congress, an act has been passed by Congress giving to the proposed celebration the sanction and encouragement of the National government, and a copy of that act is herewith enclosed for information.

The whole State of Pennsylvania will be honored and benefitted by the holding of the celebration and exhibition within its borders. The great material wealth and industrial interests of every section of the Commonwealth will be brought prominently to the attention of the civilized world, and our farmers, mechanics and artisans will be enabled to learn much from the opportunities thus afforded; and our State will be specially honored in having public attention

again directed to the conspicuous part she acted in the revolutionary struggle for National independence. Pennsylvanians who have labored to secure this favorable action of Congress, and Representatives in Congress from other States who generously conceded to this State, and to Philadelphia, this proud distinction, look to the Legislature now in session for such endorsement and pecuniary aid as the interest and character of the occasion demands. Public spirited and patriotic men, who will act as commissioners, are willing to give their time, labors and influence to make the grand exhibition a success, but they have a right to look to the State for such encouragement and appropriations as will defray the expenses necessarily incident to a proper and efficient discharge of the important duties devolving upon them. Gratified at what has been already done, impressed with the great importance of the movement and desirous that the occasion shall be made one ever memorable in the history of the State and nation, I earnestly invoke the liberal and hearty co-operation of the Legislature.

JNO. W. GEARY.

In the Senate of the United States,  
January 12, 1871.

Read twice and referred to the Committee on Foreign Relations.

“An Act to provide for celebrating the one hundred anniversary of American independence, by holding an international exhibition of arts, manufactures and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876.

Whereas, The declaration of Independence of the United States of America was prepared, signed and promulgated in the year 1776, in the city of Philadelphia:

“And whereas, It behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event, which constituted the 4th day of July, A. D. 1776, the birthday of the nation:

"And whereas, It is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations:

"And whereas, No place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate:

"And whereas, As the exhibition should be a national celebration, in which the people of the whole country should participate, it should have the sanction of the Congress of the United States; therefore,

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibition of American and foreign arts, products and manufactures shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

"Sec. 2. And be it further enacted, That a commission, to consist of not more than one delegate from each State and from each Territory of the United States, whose functions shall continue until the close of the exhibition, shall be constituted, whose duty it shall be to prepare and superintend the execution of a plan for holding the exhibition, and, after conference with the authorities of the city of Philadelphia, to fix upon a suitable site within the corporate limits of the said city, where the exhibition shall be held.

"Sec. 3. And be it further enacted, That said commissioner shall be appointed within one year from the passage of this act, by the President of the United States, on the nomination of the Governors of the States and Territories respectively.

"Sec. 4. And be it further enacted, That in the same manner there shall be appointed one commissioner from each State and Territory of the United States, who shall assume the place and perform the duties of such commissioner or commissioners as may be unable to attend the meetings of the commission.

"Sec. 5. And be it further enacted, That the commission shall hold its meetings in the city of Philadelphia, and that a majority of its members shall have full power to make all needful rules for its government.

"Sec. 6. And be it further enacted, That the commission shall report to Congress at the first session after its appointment, a suitable date for opening and for closing the exhibition, a schedule of appropriate ceremonies for opening or dedicating

the same, a plan or plans of the buildings, a complete plan for the reception and classification of articles intended for exhibition, the requisite custom house regulations for the introduction into this country of the articles from foreign countries intended for exhibition, and such other matters as in their judgment may be important.

“Sec. 7. And be it further enacted, That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States, and the United States shall not be liable for any expenses attending such exhibition or by reason of the same.

“Sec. 8. And be it further enacted, That whenever the President shall be informed by the Governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held, and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

“Passed the House of Representatives, January 10, 1871.

“Attest:

EDWARD M'PHERSON, Clerk.”

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To the Assembly Concerning the Overcrowded Condition of the State Penitentiaries.

Executive Chamber,  
Harrisburg, March 3, 1871.

Gentlemen:—

**M**Y ATTENTION HAS RECENTLY BEEN called, by the board of directors of the Eastern penitentiary, to a subject which, in my opinion, is not only deserving of, but demands prompt legislative action. The board presents a petition for the par-



don of twenty-five prisoners convicted of flagrant violations of the law, and sentenced to long terms of confinement. Without considering the minor reasons assigned for this wholesale exercise of executive clemency, one reason, at least, is given which can not with propriety be overlooked. This is set forth in the following quotation from a letter written to me by the president of the board:

“The board of inspectors regret that any necessity exists for making this application. The large number of prisoners held in confinement who have from five to over ten years sentences, viz: One hundred and thirty-seven, prevent the usual accommodations for convicts who are now coming in, by the release or expiration of sentences of those heretofore convicted for short periods. The board is impressed with the grave fact that a large number sentenced lately, are desperate men, and these sentences for long terms require they should be so treated as to render any attempt at insubordination futile, and at the same time restrict them to the best influences of the separate system of discipline.”

This suggestion of the inspectors is worthy of serious consideration, as it presents an evil which calls loudly for legislative correction. My personal observation has confirmed their report that the Eastern penitentiary is now so overcrowded it is impossible for the warden and keepers to conform to the law which directs separate and solitary confinement. What then can be done in the premises? If the warden refuses to receive a convict for whom he has no cell, he is guilty of an escape; and if he does receive him, he is unable to execute the sentence which prohibits association with other prisoners. This unfortunate condition of things now exists. The Eastern penitentiary “is full and more than full,” say the directors, and it is impossible to conform either to the

spirit or letter of the law relative thereto. The remedy suggested by pardoning large numbers of prisoners cannot receive my sanction. It would set loose upon society desperate men to prey upon its peace, be subversive to the ends of justice, and deserve and receive general condemnation. I have, therefore, declined acceding to the request.

There are several other and more effective means to furnish at least temporary relief from this great public evil. It is feared that the time is not far distant when the capacity of both the existing penitentiaries must be increased, or an additional institution of the kind constructed. In the meantime, it is absolutely essential that the present difficulty should be removed. Whilst the Eastern division is overcrowded, it will be seen by the late report of the board of directors of the Western penitentiary, that recent improvements in that institution affords facilities for the accommodation, without detriment to the interests of the State, of more prisoners than are now confined therein. The report says:

“The additional cell room secured in our new building has very much enlarged our capacity to hold criminals. At this time we could accommodate fifty more than we have, without any increase of officers. At the close of the war, we were overcrowded with prisoners, and so we stated in our report to the Legislature of 1867, and asked for relief. At that time a commissioner was authorized by the Legislature and appointed by the Governor, to inquire into the expediency of erecting a third penitentiary in the State. So far as the western end of the State is concerned, this necessity does not now exist; in a financial point of view, the State would gain more by having our numbers increased than diminished”.

In this view of the case, in order to meet the exigency named, I recommend the passage of an act ena-

blig the warden of the Eastern penitentiary to transfer a number of prisoners to the Western Penitentiary and also the transfer of several counties from the Eastern to the Western district, so far as relates to the punishment of convicts; having due regard to geographical location and facilities for transportation. Either, or both of these means would for the time being obviate the difficulty. It might, moreover, be recommended that criminals convicted of minor offences, and sentenced to comparatively short terms, should be held in confinement, as far as possible, in county jails, which have the capacity and accommodation for their safe keeping.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Repeal the Supplement, Approved April Seventh, Anno Domini One Thousand Eight Hundred and Seventy, to the Act Entitled 'An Act Relating to Executions,' Approved June Sixteenth, One Thousand Eight Hundred and Thirty Six, so far as the Same Relates to the Muncy Creek Railway Company."

Executive Chamber,  
Harrisburg, March 11, 1871.

Gentlemen:—

HEREWITH IS RETURNED, WITH MY OBJECTIONS, Senate bill, No. 281, entitled "An Act to repeal the supplement, approved April seventh, Anno Domini one thousand eight hundred and seventy, to the act, entitled 'An Act relating to executions,' approved June sixteenth, one thousand eight hundred and thirty-six, so far as the same relates to the Muncy Creek railway company."

Under the act of 16th June, 1836, relating to execu-

tions, the corporate property of a railroad company, necessary to carry on its operations, and whether real or personal, was exempt from levy and sale under an ordinary execution; and such a corporation could only be proceeded against after judgment or decree by the process known as sequestration. The act of 7th April, 1870, changed the law in this respect, and authorized the sale by the sheriff of all corporate property on execution. The bill now under consideration proposes to leave this general law of 1870 remain as the law of the land for all corporations except the Muncy Creek railway company, as to which alone it shall be repealed. The road of this corporation being unfinished, the company is exempt from process by sequestration, under the act of 22d April, 1858; and the proposed bill exempts it from process by ordinary execution; and the practical result is that the creditors of the Muncy Creek railway company are thus actually legislated out of all remedy for the collection of their debts against this corporation. To my mind there are two insuperable objections to this. The eleventh section of the ninth article of the Constitution declares:

“That all courts shall be open, and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay.”

The enactment under consideration is framed in utter disregard of these plain constitutional guarantees. It is but mockery to the citizen to assure him the courts are open, if the Legislature can prohibit all proceedings therein; or to give assurance that justice shall be “administered without denial or delay,” if he can thus be actually deprived of all remedy for the collection of debts.

But, were there no constitutional provisions on the subject, I can imagine no sound principle on which

such legislation can be justified. In this, as in nearly all other matters of legislation, equality is justice; and invidious distinctions, in favor of or against individuals or corporations, are to be deprecated. Why should one company be excepted from the provisions of a general law of the State? Or why should the creditors of one company alone be denied the usual legal remedies enjoyed by the creditors of all other corporations? This is special legislation in its most aggravated form and character, and can not receive Executive approval.

JNO. W. GEARY.

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To the Senate Nominating Certain Persons Major  
Generals of the National Guard of Pennsylvania.

Executive Chamber,  
March 17, 1871.

Senators:—

I HAVE APPOINTED AND HEREBY NOMI-  
nate, for the advice and consent of the Senate of  
Pennsylvania, in accordance with the provisions  
of the act, approved the 4th day of May, A. D. 1864,  
entitled "An Act for the organization, discipline and  
regulation of the militia of the Commonwealth of  
Pennsylvania," John R. Dobson, of the county of Ches-  
ter, to be Major General of the Third division of the  
National Guard of Pennsylvania, composed of the  
counties of Chester and Lancaster.

C. C. M'Cormick, of the county of Northumberland,  
to be Major General of the Eighth division, composed  
of the counties of Northumberland, Union, Montour  
and Snyder; and

Theodore M'Gowan, of the county of Franklin, to be  
Major General of the Fifteenth division, composed of  
the counties of Cumberland, Franklin and Perry.

JNO. W. GEARY.

To the Assembly Nominating Members of the Committee on the Centennial Celebration at Philadelphia.

Executive Chamber,  
Harrisburg, March 20, 1871.

Gentlemen:—

I HAVE THE HONOR TO INFORM YOU, THAT, in compliance with the joint resolution, approved March 8, 1871, providing for the organization of "a committee of the State of Pennsylvania to co-operate with other State and local committees upon the subject of the Centennial Celebration at Philadelphia." in the year 1876, I have appointed Col. William Phillips, of Pittsburg; William T. Horstman, Esq., and Col. William M'Michael, of Philadelphia, as members of the committee, in addition to those named in the resolution. The committee thus constructed, has held preliminary meetings and made preparations to push forward vigorously the objects contemplated by the Legislature in their appointment. In order that they may have at command the necessary facilities for accomplishing the important duties assigned them, I most respectfully suggest that a liberal appropriation be made to meet all requisite and indispensable expenses.

JNO. W. GEARY.

To the Assembly Vetoing "A Further Supplement to the Act to Incorporate the Philadelphia and Delaware River Railroad, Approved April 4, 1854."

Executive Chamber,  
Harrisburg, March 23, 1871.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT EXECUTIVE approval, Senate bill, No. 248, entitled "A further supplement to the act to incorporate the Philadelphia and Delaware River Railroad, approved April 4, 1854."

The object of the proposed act is to relieve the Philadelphia and Delaware River railroad from certain taxes imposed by its original charter. It accepted the grant subject to this condition.

A number of other companies, transacting business in Philadelphia, have received valuable franchises upon like stipulations. In the year 1865, they contended that they were not liable to taxation as declared by their charters. Suits were brought, and the decisions therein are reported in *Railway company vs. the city*, 13 Wright 251, and *Id. vs. Id.*, 1 P. F. Smith, 465.

The points of objection presented were:

First.—That the dividend should be taxed according to the capital named in the charter, and that if the dividend did not exceed six per cent. upon the charter capital, it should not be taxed.

Second.—That if a tax were to be paid, it was to be levied upon the excess above six per cent, and not upon the entire dividend.

The points were decided by the Supreme Court in favor of the city.

The effect of the proposed act will be a legislative repeal of these decisions, so far as this particular company is concerned. If the tax is abrogated as to one corporation, all companies, similarly situated, will

doubtless claim a like favor. This will lead to the diminution of a large portion of the revenue of the city. Such legislation is highly objectionable.

First.—Because corporations receiving valuable privileges should accept their just share of public burdens.

Second.—Because the rights of way over public highways, granted to this and kindred corporations, pay large profits to the shareholders.

Third.—Because legislative interference with judicial decisions is always to be condemned.

Fourth.—Because all class legislation, and especially the exemption of rich and powerful corporations, is to be condemned as affecting the confidence of the public in the Legislature.

For these reasons, I respectfully recommend a reconsideration of the proposed statute.

JNO. W. GEARY.

To the Assembly Transmitting an Act of the Legislature of New Jersey Concerning Fisheries in the Delaware River.

Executive Chamber,

Harrisburg, March 23, 1871.

Gentlemen:—

BY REQUEST OF HIS EXCELLENCY, THEODORE F. RANDOLPH, Governor of the State of New Jersey, I have the honor to transmit here, with, for information, an exemplified copy of an act of the Legislature of that State, entitled "A further supplement to an act, entitled 'An Act to regulate the fisheries in the river Delaware, and for other purposes,' passed November twenty-sixth, one thousand eight hundred and eight."



It will be observed the general object of the act is the preservation of shad in the river Delaware, and the law proposed is not to go into effect until concurrent legislation shall be had by the State of Pennsylvania. The Delaware river being the boundary line between the two States, and heartily approving the objects proposed, I earnestly recommend the prompt enactment of the proposed concurrent legislation.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Extend the Time of Henry Werntz, a Justice of the Peace in the Borough of Pine Grove, Schuylkill County."

Executive Chamber,  
Harrisburg, April 6, 1871.

Gentlemen:—

HEREWITH IS RETURNED, WITH OBJECTIONS, Senate bill, No. 922, entitled "An Act to extend the time of Henry Werntz, a justice of the peace in the borough of Pine Grove, Schuylkill county."

This title clearly indicates the object of the act; and the bill proposes to extend the term of the justice named for about one year after the expiration of his commission in March last.

The seventh section of the sixth article of the Constitution declares that justices of the peace shall be elected by the qualified voters of the several districts, and commissioned by the Governor for a term of five years. Since the adoption of the present Constitution it has never been supposed that justices or aldermen could be appointed by the Governor or created by the Legislature, or chosen in any other mode than

by the qualified electors of the respective districts, as the Constitution prescribes. If the Legislature has the right to extend the term of a justice for one year, on the same principle, they can extend it for two or five years, and the constitutional requirement be thus wholly disregarded. In my judgment the Legislature has no such power over elective officers, whose official terms are fixed by the Constitution; and I therefore return the bill without approval.

JNO. W. GEARY.

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To the Assembly Concerning the Recent Strike of  
Miners in the Anthracite Coal Region.

Executive Chamber,  
Harrisburg, April 11, 1871.

Gentlemen:—

SINCE YOUR ADJOURNMENT, ON FRIDAY last, the troubles in the anthracite coal regions of the State culminated in a riotous disturbance of the public peace, and a lawless destruction of life and property, at the city of Scranton and vicinity. Appealed to by the local authorities, who represented themselves as powerless to suppress the mob and preserve the peace, I ordered Major General E. S. Osborne, commanding the military in that district, to proceed forthwith to the scene of the disturbances, with sufficient force for the immediate suppression of all riotous assemblages, and the protection of the lives and property of the citizens; and I also issued a proclamation explanatory of the nature of the difficulties, and declaratory of my determination to enforce the laws,—a copy of which proclamation is herewith enclosed for information. The order to the military was

promptly and efficiently executed; and the commanding general was enabled the next day to report the restoration of order; and the hope is entertained that there will be no renewal of the riotous disturbances.

JNO. W. GEARY.

A PROCLAMATION.

Pennsylvania, ss:



wealth.

I N THE NAME AND BY the authority of the Commonwealth of Pennsylvania, I, JOHN W. GEARY, Governor of the said Common-



Whereas, The recent suspension of work by the miners in the anthracite coal region of the State, and the consequent imposition by the transportation companies of prohibitory rates, have entailed great and manifest evils upon the miners, operators, consumers, manufacturers and others:

And whereas, All efforts of the Executive and other friends of law and social order have failed to harmonize the conflicting interests, and bring about an amicable adjustment of the existing difficulties:

And whereas, The recent investigation before a committee of the Senate has failed to provide any remedy for existing evils, or to accomplish anything toward the desired adjustment, or to give promise of relief to a suffering people:

And whereas, As usual, in such cases, the unnatural, aggravated and unlawful conflict between labor and capital, has resulted, as I am advised, in breaches of the peace and the destruction of life and property, at the city of Scranton and other places in the mining regions of that vicinity, and, assuming the shape of mob violence on the part of the miners and others, fur-

ther threatens the lives and property of law-abiding citizens and the temporary subversion of the laws, and calls for prompt and official remedies

Now, therefore, I, John W Geary, Governor of the said Commonwealth, by virtue of the power and authority vested in me by the Constitution and laws, do hereby proclaim and declare,

First—That it is unlawful for any person or association of persons, by violence, threats or other coercive means, to prevent any laborers or miners from working when they please, for whom they please, and at such wages as they please, and alike unlawful, by such violence or threats, to deter or prevent the owners or operators of mines from employing whomsoever they may choose to employ, and at such wages as may be agreed upon between the employer and the persons employed

Second—That it is unlawful for any railroad or other transportation company, in subversion of the objects of its creation, to impose rates of freight or transportation intended to be and which are substantially prohibitory, or to combine with others to effect the same ends, and thus create, prolong or aggravate existing evils.

Third—That it is unlawful at all times and under all circumstances for persons to assemble in a riotous or tumultuous manner, and under grievances, either actual or pretended, to commit breaches of the peace, destroy property or endanger or take the lives of others, and thus subvert and nullify the laws, and subject the good name of the State to humiliation and reproach.

Fourth—That reliable information having been received that these riotous assemblages are too large and powerful to be dispersed or suppressed by the local authorities of Scranton, which have called on me for aid, I have invoked the military power of the State

to suppress the riots and mobs at Scranton, and wherever else in the Commonwealth such unlawful assemblages may be found; and, under the conviction that the time has come for a complete settlement for the present and future of the unlawful complications and difficulties under which the people now suffer, I have also invoked the civil power of the State against the railroad and other transportation companies for the misuse and abuse of their corporate rights and privileges, and will enforce all the remedies authorized by the laws of the land, and I call upon all military organizations to hold themselves in readiness to support the civil authorities whenever thereunto required, and upon all civil magistrates, officers and citizens in their several spheres of action or influence to sustain and enforce the laws against all offenders in any wise responsible for the evils and wrongs under which we now suffer.

Given under my hand and the great seal of the State, at Harrisburg, this seventh day of April, in the year of our Lord, one thousand eight hundred and seventy-one, and of the Commonwealth the ninety-fifth.

JNO. W. GEARY.

Attest:—F. Jordan, Secretary of the Commonwealth.

— 1155400

To the Senate Nominating Trustees of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, April 13, 1871.

Senators:—

I DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th day of April, A. D. 1845, estab-

lishing an asylum for the insane poor of the Commonwealth, the following named persons to be trustees of the Pennsylvania State Lunatic hospital, viz: Traill Green, M. D., of the county of Northampton, John L. Atlee, M. D., of the county of Lancaster, and Daniel W. Gross, Esquire, of the county of Dauphin, for the term of three years each, to be computed from the 7th day of February last past.

JNO. W. GEARY.

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To the Assembly Nominating Jesse Merrill Major General of the Eleventh Division of the National Guard.

Executive Chamber,  
Harrisburg, April 19, 1871.

Senators:—

I HAVE APPOINTED JESSE MERRILL, OF THE county of Clinton, to be Major General of the Eleventh division of the National Guard of Pennsylvania, composed of the counties of Lycoming, Clinton and Potter, subject to the advice and consent of the Senate; and his appointment is hereby submitted for such advice and consent, agreeably to the provisions of the act of May 4, A. D. 1864, entitled "An Act for the organization, discipline and regulation of the militia of the Commonwealth of Pennsylvania."

JNO. W. GEARY,

To the Assembly Vetoing "A Supplement to an Act Incorporating the Philadelphia Banking and Savings Deposit Company."

Executive Chamber,  
Harrisburg, May 9, 1871.

Gentlemen:—

**H**EREWITH IS RETURNED, WITH OBJECTIONS, Senate bill, No. 685, entitled "A supplement to an act incorporating the Philadelphia banking and savings deposit company."

In the first place neither in the body of the act or its title, does it recite the date of the original act, to which it purports to be a supplement.

On examination it appears that the original act of incorporation was approved 11th of March, 1870, and that no enrolment tax was ever paid thereon. Hence there is really no law in existence to which a supplement can apply.

The original charter authorized a capital of one million dollars, with the privilege of increasing the same to three millions; and gave authority to commence business when \$200,000 of the capital should be paid in. The present bill reduces the capital to half a million, and authorizes the commencement of business when \$100,000 of the capital stock shall be subscribed. There is no objection to the proposed reduction of the capital stock; but it is considered against public policy, and in violation of all sound principles of financial legislation, to confer upon banks the corporate rights and privileges necessary for banking, without requiring, as security to the public, that a reasonable proportion of their capital stock shall be actually paid in before commencing operations.

For these reasons the bill is returned without approval.

JNO. W. GEARY.

To the Assembly Vetoing "An Act to Incorporate the Zinzendorf Savings Bank of South Bethlehem, Pennsylvania."

Executive Chamber,  
Harrisburg, May 9, 1871.

Gentlemen:—

**S**ENATE BILL, NO. 555, ENTITLED "AN ACT TO incorporate the Zinzendorf Savings Bank of South Bethlehem, Pennsylvania," is herewith returned with the following objections:

First. Sundry intelligent protests are filed against the bill, on the ground of the name given to the corporation. Zinzendorf was the founder of the Moravian church in the United States, a preacher of the gospel of great distinction, and distinguished also as the author of many of the religious books of that denomination. They protest against allowing this name so revered among them, being used as the title of an institution in no wise connected with religious objects or purposes. I can not but respect the sentiment of these protests, and assign it as one reason for withholding approval.

Second. The bill does not require any of the capital stock to be paid in before commencing business as a bank. It is considered against public policy, and in violation of all sound principles of financial legislation, to confer upon banks the corporate rights and privileges necessary for banking, without at the same time requiring some reasonable proportion of the capital stock to be actually paid in, as security to the public.

Third. No evidence has been produced that the application for the bank has been advertised for six months, as required by the twenty-fifth section of the first article of the Constitution, and the act of Assembly on that subject.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Extend the Time for Paying Certain Enrolment Taxes."

Executive Chamber,  
Harrisburg, May 9, 1871.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill, No. 882, entitled "An Act to extend the time for paying certain enrolment taxes."

On the third instant I approved House bill, No. 1074, which is an exact copy of the one herewith returned, and it is not deemed proper to enlarge the volume of pamphlet laws by the publication of duplicates.

JNO. W. GEARY.

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To the Senate Nominating Certain Major Generals of the National Guard of Pennsylvania.

Executive Chamber,  
Harrisburg, May 10, 1871.

Senators:—

**I** HAVE APPOINTED CHARLES H. BUEHLER, of the county of Adams, to be Major General of the Fourth division, composed of the counties of Adams and York, and Robert C. Cox, of the county of Tioga, to be Major General of the Thirteenth division, composed of the counties of Bradford, Tioga and Sullivan, subject to the advice and consent of the Senate, and the appointments are hereby submitted for such advice and consent, agreeably to the act of May 4, 1861, entitled "An Act for the organization, discipline and regulation of the militia of the Commonwealth of Pennsylvania."

JNO. W. GEARY.

To the Assembly Concerning Border Claims.

Executive Chamber,  
Harrisburg, May 28, 1871.

Gentlemen:—

THE CLAIMS OF A LARGE PORTION OF THE citizens of the border counties of the State, for extraordinary losses arising from the late war, demand the dispassionate and serious consideration of the Legislature; and it is but just to a people who have been called upon to bear unequal burdens in our national deliverance, that they should have the fullest exercise of the sovereign power of the Commonwealth to secure just restitution from the general government.

Most of these losses were suffered because the State, in discharging the full measure of her duty in maintaining free government, patriotically and promptly transferred her own defensive troops to strengthen the shattered federal armies, and our citizens thereby suffered for the general welfare. Leaving all abstract principles out of view, justice and fair dealing demand that proper restitution be made to our citizens by the general government; and it is due to the claimants that the Legislature take such action in the matter as will secure a most careful adjudication of the losses, and clothe the officers of the State with the amplest power and authority to enforce their payment.

While justice should be secured for all our citizens, the people of Chambersburg have been almost utterly crushed in their business operations, and their condition should hasten the generous action of the Legislature. The blow struck at Chambersburg was a wound inflicted upon the Commonwealth, and it should be the pride, as well as the pleasure of every patriotic citizen, to sanction such action as will secure reasonable restitution to the citizens of that ill-fated town, as well as others who suffered.

I earnestly recommend that the Legislature in its wisdom shall adopt such measures as will provide the necessary means for adjudicating these claims, and pressing them on the national government, to an early and just settlement.

Should the Legislature approve this suggestion, it will afford me great pleasure to do everything in my power as Executive of the State to effect the desired results; and I suggest also that it might be well to invoke the aid also of our Senators and Representatives in Congress.

JNO. W. GEARY.

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To the Senate Nominating William H. Jessup a Major General of the Tenth Division of the National Guard of Pennsylvania.

Executive Chamber,  
Harrisburg, May 12, 1871.

Senators:—

I HAVE APPOINTED WILLIAM H. JESSUP, OF the county of Susquehanna, to be Major General of the Tenth division, composed of the counties of Susquehanna and Wayne, subject to the advice and consent of the Senate, and his appointment is hereby submitted for such advice and consent, agreeably to the act of May 4, 1764, entitled "An Act for the organization, discipline and regulation of the militia of the Commonwealth of Pennsylvania."

JNO. W. GEARY.

To the Assembly Vetoing "An Act to Incorporate the Linesville Police Company."

Executive Chamber,  
Harrisburg, May 16, 1871.

Gentlemen:—

**A**FTER CAREFUL CONSIDERATION I FIND MY self unable to approve Senate bill, No. 586, entitled "An Act to incorporate the Linesville police company," and herewith return the same with objections.

The second section provides "that the object of the company incorporated by this act shall be the protection of its members against losses by larceny, and the detection, arrest and conviction of thieves."

The fourth section is as follows: "That each and every member of said company shall be and is hereby authorized to make arrests, with or without process, of such persons as are suspected of being guilty of theft, either committed or intended, and to detain such persons so arrested until they can be carried before a committing magistrate and hearing had, and at all times have the same power in all criminal matters, such as making arrests, serving warrants, subpoenas and commitments, as constables now or may hereafter have, and shall receive for their services the same fees as are or may be allowed to constables for such services."

This strikes me as one of the most extraordinary specimens of legislation ever submitted for Executive consideration. Article IV of the amendments of the Constitution of the United States is as follows: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

And the eighth section of the ninth article of our State Constitution contains substantially the same provisions to secure the freedom of every citizen from arrest, without probable cause, supported by oath or affirmation.

Our ancestors regarded these safeguards of personal liberty as of great value; and in their wisdom incorporated them into both our National and State Constitutions. The bill under consideration is based on essentially different principles; and proposes summarily to dispense with these constitutional guarantees, by authorizing each and every member of the Linesville police company, without oath or affirmation, and with or without process, to arrest wheresoever and whomsoever they please or suspect of being guilty of theft either committed or intended, and to detain such persons so arrested until they can be carried before a committing magistrate.

Had the Legislature the authority, this would be a dangerous power to confer upon the judges of our Supreme Court, whose character and knowledge of legal rights would be some guaranty of its proper use; but to confer it upon each and every member of the Linesville police company, a corporation without capital stock, and of which, for aught that appears, anybody and everybody who can sign their names, or procure others to sign for them, may become members, would be a statutory outrage.

If the existing constitutions and laws are inadequate for the protection of the good people of Linesville from losses by larceny, the fact is to be regretted, but they have the consolation to know they are under the same laws as other citizens of the Commonwealth; and in my judgment, the time has not yet come for the State of Pennsylvania to abdicate her authority, or to delegate the execution of this important branch of the criminal law to an irresponsible corporation.

JNO. W. GEARY.

To the Assembly Vetoing "An Act to Change the Venue of a Certain Suit from York to Clearfield County."

Executive Chamber,  
Harrisburg, May 22, 1871.

Gentlemen:—

**S**ENATE BILL, NO. 636, ENTITLED "AN ACT TO change the venue of a certain suit from York to Clearfield county," is herewith returned without approval.

The bill seems to have been passed at the instance of the plaintiffs, and the defendants vigorously protest against it. On examination, it appears the action was originally brought in the common pleas of Dauphin county, so long ago as 1866; and after trial therein, it was taken to the Supreme Court, and reported in 12 P. F. Smith's Reports, page 243, &c. Subsequently the venue was changed by the plaintiffs to York county, and the present bill proposes to transfer it to the county of Clearfield. Changes of venue by act of the Legislature, though not uncommon, are regarded as special legislation not to be encouraged, and I can recall no instance in which the venue has been so changed twice in the same case. As a general rule, I am opposed to special acts of Assembly affecting pending legislation; and in this instance there would seem to be less reason for it than usual, because the plaintiffs being non-residents of the State, can apply to the court for a change of venue under the act of 28th April, 1870, which seems to have been intended to meet such cases.

JNO. W. GEARY.

To the Assembly Vetoing "An Act Supplementary to an Act, Entitled 'An Act Relative to Elections of Judges,' Approved 27th April, A. D. 1852."

Executive Chamber,  
Harrisburg, May 23, 1871.

Gentlemen:—

**S**ENATE BILL, NO. 2002, ENTITLED "AN ACT supplementary to an act, entitled 'An Act relative to election of judges,' approved 27th April, A. D. 1852," is herewith returned without approval. The original act conferred upon the Governor the right to make appointments to fill vacancies occurring in any judgeship in this Commonwealth by death, resignation, removal from office, the failure to elect, or otherwise, until the next general election.

The object of the bill under consideration is to limit this power of appointment so as not to apply to any vacancy occurring in the last year of any judicial term.

The act of 1852 seems to be in conformity with the provisions of the Constitution, authorizing the Executive to fill all vacancies not otherwise provided for; and I can imagine no good reason why a vacancy occurring during the last official year of an official term should not be filled as well as any other. The bill under consideration makes no provision for filling such vacancy; and the result might be that any court or judicial district might be without any judge to discharge the public duties, for a whole year or more, to the great detriment of the public interests, and the administration of justice.

Both the theory and the mandate of the Constitution require the courts to be kept open; and it would be a mere evasion to keep them open, if no judges were provided to administer the law. For these reasons I feel impelled to withhold approval, and to return the bill for further consideration.

JNO. W. GEARY.

To the Assembly Vetoing "An Act to Incorporate  
the Beaver Deposit Bank."

Executive Chamber,  
Harrisburg, May 23, 1871.

Gentlemen:—

**S**ENATE BILL, NO. 2014, ENTITLED "AN ACT  
to incorporate the Beaver Deposit Bank," is here-  
with returned with objections.

The act of 12th of April, 1859, conferred upon the courts the authority to incorporate savings banks and savings institutions; and the act of 12th of April, 1867, gave to the several courts of common pleas power to incorporate "saving fund associations, or societies for the accumulation of funds, and the distribution of the same among its members, without banking or discounting privileges."

The bill under consideration is a mere savings bank, without banking or discounting privileges; and hence comes directly within the prohibition of the ninth section of the eleventh article of the Constitution, which is as follows:

"No bill shall be passed by the Legislature granting any powers or privileges in any case where the authority to grant such powers or privileges has been or may hereafter be, conferred upon the courts of this Commonwealth."

It is claimed the courts would have no authority to confer the powers contained in the eighth section of the bill, as to married women and minors. This may be, but the main object of the bill, as shown by its provisions and title, is to incorporate a loan and savings institution, and this the courts have the power to do, and the Legislature has not. It has become quite too common, of late, to insert some proviso or other clause, in bills of this character, conferring some right or privilege, not within the jurisdiction of the courts, and then to insist that the bill must be ac-



cepted as a whole on that account. This cannot be permitted, for it is too plain for argument that such a course would result in a complete nullification of that clause of the Constitution in question. If special powers or privileges, not within the jurisdiction of the courts, are needed, let them be claimed in bills for the purpose, unencumbered with provisions for other powers and privileges which the courts have the right to confer, and they will be duly considered. But part of a law cannot be approved and another part disapproved; and hence, in such cases, a regard for the Constitution, and for the rights of the public, leave no alternative but to veto the whole.

I am the less reluctant to withhold my approval from such enactments as this, in view of the fact that the courts of the State have repeatedly held that bills passed in violation of the Constitution are null and void, and confer no powers or privileges on the corporators. Executive approval can give no validity to unconstitutional enactments, and it is better for all concerned that such legislation should be arrested at once, before innocent parties have been induced, on the faith of such pretended charters, to invest their money.

JNO. W. GEARY.

To the Assembly Vetoing "An Act Extending the Time for Payment of the Enrolment Tax on 'An Act to Incorporate the Lock Haven Passenger Railway Company.'"

Executive Chamber,  
Harrisburg, May 25, 1871.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill, No. 1381, entitled "An Act extending the time for payment of the enrolment tax on an act, entitled 'An Act to incorporate the Lock Haven Passenger railway company.'" Having on the third inst. approved a general law applicable to all such cases, I can see no use in approving special ones.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Extend an Act, Entitled 'A Supplement to an Act Relating to the Lien of Mechanics and Others,' Approved May 1, 1861, to the County of Lebanon."

Executive Chamber,  
Harrisburg, May 25, 1871.

Gentlemen:—

**H**AVING ON THE NINETEENTH INST. APPROVED Senate bill, No. 1024, entitled "An Act to extend an act, entitled 'A supplement to an act relating to the lien of mechanics and others.' approved May 1, 1861, to the county of Lebanon," I herewith return bill of the same number and title without approval. On examination, it appears that the latter is an exact copy of the former; and no matter how good or indifferent a statute may be, it is in no wise improved by having it in duplicate; and the great size of the annual volumes of pamphlet laws furnishes a standing reason for printing but one copy.

JNO. W. GEARY.

To the Assembly Vetoing "An Act to Incorporate the North and West Branch Railroad Company."

Executive Chamber,  
Harrisburg, May 25, 1871.

Gentlemen:—

**H**OUSE BILL, NO. 1559, ENTITLED "AN ACT TO incorporate the North and West Branch railroad company," was approved on the 13th May, 1871. On examination, Senate bill No. 528, of the same title, is found to be almost an exact copy of the former. Whether the slight verbal differences were by accident or design, they are not regarded as of sufficient importance to justify the duplication of the law, and hence the Senate copy is returned without approval.

JOHN W. GEARY.

Proclamation of a Day of Thanksgiving.—1871.



wealth.

**I**N THE NAME AND BY the Authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Common-

THANKSGIVING PROCLAMATION.

His Excellency the President of the United States, having, by his proclamation, set apart Thursday, the Thirtieth of November, 1871, as a day of National Thanksgiving:

Now, therefore, I, John W. Geary, Governor of Pennsylvania, do hereby cordially commend to the people thereof, the observance of the same as a day of Thanksgiving to Almighty



God for our State, National, and individual blessings, and of prayer for the continuance of His gracious favor.

As entirely as may be possible let business pursuits be suspended. Let us spend the day in religious worship, and in such sacred communings and festivities of the home circle, and so secure its pleasures and perform its duties, as to make our hearts more deeply sensible of our obligations to God and our fellow-men. "Whoso offereth praise glorifieth me." "He that hath pity upon the poor lendeth unto the Lord, and that which he hath given will he pay him again."

Given under my Hand and the Great Seal of the State, at Harrisburg, this twenty-sixth day of October, in the year of our Lord one thousand eight hundred and seventy-one, and of the Commonwealth the ninety-sixth.

JNO. W. GEARY.

By the Governor:

F. Jordan,

Secretary of the Commonwealth.

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Proclamation of the Cancellation of Two Million One Hundred and Thirteen Thousand Two Hundred and Twenty-Eight Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.



wealth.

IN THE NAME AND BY the Authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Common-

## A PROCLAMATION.



Whereas By the Third Section of the Act of the General Assembly of this Commonwealth, approved the Twenty-Second day of April Anno Domini one thousand eight hundred and fifty-eight entitled "An Act to establish a Sinking Fund for the payment of the Public Debt" and by the Supplement thereto approved the Tenth day of April Anno Domini one thousand eight hundred and Sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly, to Report Annually and Certify to the Governor, the amount received under said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall direct the Certificates representing the same to be cancelled, and on such cancellation issue his Proclamation stating the fact, and the extinguishment and final discharge of so much of the principal of said debt.

And Whereas F. Jordan, J. F. Hartranft and R. W. Mackey Esquires, Commissioners of the Sinking Fund in obedience to the requirements of law, Report and Certify to me That the amount of the debt of the Commonwealth of Pennsylvania, redeemed and held by them, from the First day of December Anno Domini One thousand eight hundred and Seventy, to and including the Thirtieth day of November, Anno Domini One thousand eight hundred and Seventy-one, amounts to, Two Millions, One hundred and thirteen thousand, two hundred and twenty-eight dollars and Sixty-three cents, made up as follows:

Five per cent Loan redeemed .....	\$394,043.63
Six per cent Loan redeemed .....	1,719,150.00
Relief notes cancelled .....	35.00
	<hr/>
	\$2,113,228.63
	<hr/> <hr/>

In addition to this the State Treasurer, has redeemed during the Said Year, of the over due Loans of the Commonwealth the sum of Eighteen thousand three hundred and Sixty-one dollars and fifty-four cents, not included in the above, and making an aggregate redemption of Two Millions one hundred and thirty-one thousand five hundred and ninety dollars and Seventeen cents during the last fiscal year.

Now Therefore as required by the Third Section of the act of the General Assembly first above mentioned, I, John W. Geary Governor as aforesaid Do Hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of Two Millions, One hundred and thirty-one thousand, five hundred and Ninety dollars and Seventeen cents, of the principal debt of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this Eighth day of December in the year of our Lord one thousand eight hundred and Seventy-one and of the Commonwealth the Ninety-sixth.

JNO. W. GEARY,  
Governor.

By the Governor:

F. Jordan,

Secretary of the Commonwealth.

## Proclamation Relative to Labor Disturbances at Williamsport.



wealth.

IN THE NAME AND BY the Authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Common-

## A PROCLAMATION.

Whereas, the recent strike and suspension of work by the employes and workmen connected with the saw-mills and lumber interests of the City of Williamsport, has culminated, as I am credibly informed in breaches of the peace, and injury to the persons and property of the citizens of that locality; and assuming the shape of riot and mob violence on the part of those engaged therein, further threatens the lives and property of law abiding citizens and the temporary subversion of the laws, and calls for prompt and efficient remedy.

Now, Therefore, I, John W. Geary, Governor of the said Commonwealth, by virtue of the powers and authority vested in me by the Constitution and laws do hereby proclaim and declare:

First: That it is unlawful for any person or association of persons, by violence, threats, or other coercive means, to prevent any employes, mechanics or laborers from working when, and for such hours as they please, for whom they choose, and at such wages as they are willing to accept; and alike unlawful, by such violence or threats, to deter or prevent the owners of any Saw-mill or other manufacturing establishment from employing whomsoever they may choose to employ, and at such wages and such times as may be agreed upon between the employer and the persons employed.



Second: That it is unlawful, at all times, and under all circumstances, for persons to assemble in a riotous or tumultuous manner, and under grievances, either actual or pretended, to commit breaches of the peace, injure or destroy property, or endanger or take the lives of others, and thus subvert and nullify the laws and subject the good name of the State to humiliation and reproach.

Third: That reliable information having been received that these unlawful and riotous assemblages are too large and powerful to be dispersed or suppressed by the local authorities of the City of Willimsport and of the County of Lycoming, and the Mayor of said City and the High Sheriff of said County having called on me for aid and invoked the military power of the State to suppress the aforesaid riots and unlawful assemblages, and to protect the lives and property of the citizens endangered thereby, I hereby call upon all militia organizations in the Commonwealth to hold themselves in readiness to support the civil authorities, whenever thereunto lawfully required and upon all civil magistrates officers and citizens in their several spheres of action or influence to sustain, uphold, and enforce the laws against all offenders in anywise responsible for the evils, wrongs and disturbances herein set forth.

Given under my Hand and the Great Seal of the State, at Harrisburg this Twenty-second day of July in the year of our Lord one thousand eight hundred and seventy-two, and of the Commonwealth the ninety-seventh.

JNO. W. GEARY,  
Governor.

Attest:

F. Jordan,

Secretary of the Commonwealth.



To the Assembly Vetoing "An Act to Remove Henry Burr, alias James Henry from the Lancaster County Prison to the County of York for Trial."

Executive Chamber,  
Harrisburg, January 4, 1872.

Gentlemen:—

I FIND MYSELF UNABLE TO APPROVE SENATE bill, No. 1932, entitled "An Act to remove Henry Burr, alias James Henry, from the Lancaster county prison to the county of York for trial," and therefore return the same to the Senate, in which it originated, with my objections thereto.

It appears by the preamble to the bill, and otherwise, that the party named is under indictment in the court of quarter sessions of York county, for horse stealing and arson; and that he has already been tried and convicted in the courts of Lancaster county, for the same offences, and there sentenced to twenty years imprisonment, which term he is now serving out. This bill proposes to take the defendant out of the Lancaster prison, and remove him to York for trial there, and then return him to Lancaster. This strikes me as unusual and unnecessary, and not required by any considerations of public justice. It is questionable whether the Legislature has the power to thus interfere with a prisoner, under sentence of a court of competent jurisdiction. If the prisoner can thus be taken out for thirty days, why not, on the same principles, for the whole twenty years? Moreover, it is alleged that the main object of this bill is to enable a reward to be recovered by a private party, upon a conviction in York county. However these things may be, it should be borne in mind that the great object of enforcing the criminal laws is the security of the public; and as this offender is now in safe custody, under sentences covering a period of twenty

years, I am unwilling to sanction any legislation which will interfere with those sentences, or might result in the escape of the criminal altogether.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Home Savings Bank of Pittsburg."

Executive Chamber,  
Harrisburg, January 4, 1872.

Gentlemen:—

**H**EREWITH IS RETURNED, WITH OBJECTIONS, Senate bill, No. 1458, entitled "An Act to incorporate the Home Savings Bank of Pittsburg."

The eighth section of the eleventh article of the Constitution declares that the Legislature shall pass no bill containing more than one subject, which shall be clearly expressed in the title. The title of this bill indicates nothing except a savings bank; and yet the fourth and seventh sections of the bill confer the powers of a building association also.

The ninth section of the same article of the Constitution prohibits the Legislature from "granting any powers or privileges, in any case, where the authority to grant such powers or privileges has been, or may hereafter be conferred upon the courts." The acts of April 12, 1859, and April 12, 1867, confer upon the courts of the respective counties the power to create "savings fund associations or societies for the accumulation of funds, and distribution of the same among the members without banking or discounting privileges."

The bill under consideration does not propose to

confer upon the corporation any discounting or banking privileges; and the clauses referred to are considered in plain violation of the constitutional prohibitions just cited.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act Incorporating the  
Sharpsburg and Etna Savings Bank."

Executive Chamber,  
Harrisburg, January 4, 1872.

Gentlemen:—

**A**FTER CAREFUL CONSIDERATION I FIND MY-  
self unable to approve Senate bill, No. 1457, en-  
titled "An Act incorporating the Sharpsburg  
and Etna Savings Bank."

The twenty-fifth section of the first article of the Constitution prohibits the creation of any corporation, or the renewal or extension of the powers of any such corporation with banking or discounting privileges, "without six months previous public notice of the intended application for the same, in such manner as shall be prescribed by law."

The first section of the act of June 1, 1839, prescribed the essentials of this notice; and among other things required "the location or intended location of the bank." The fourth section of the bill under consideration enacts "that the said company shall keep their office in some suitable place in Allegheny county." In my judgment this is not in compliance with the constitutional or statutory requirements on this subject.

The third section of the bill undertakes to regulate the capital stock; but with verbose and guarded cir-

cumlocution, it fails to require the actual payment of any portion of the capital stock by the subscribers, either before the organization of the bank, or at any time afterwards. This is considered a fatal omission; and Executive approval has been withheld heretofore innumerable instances on this ground. Banking cannot be properly conducted without money, and every bank charter should require the payment of some respectable portion of the capital stock before commencing operations. To merely authorize a large capital stock without requiring it, or any part of it, to be paid in, is dangerous legislation, and likely to result in great injury to the public, who have the right to demand protection from such legislation. For these reasons the bill is returned to the Senate, in which it originated, for further consideration.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Waynesboro Savings Bank."

Executive Chamber,  
Harrisburg, January 4, 1872.

Gentlemen:—

**S**ENATE BILL, NO. 1534, ENTITLED "AN ACT to incorporate the Waynesboro' Savings Bank," is herewith returned without approval, because no evidence has been produced of the publication of legal notice, as required by the twenty-fifth section of the first article of the Constitution.

JNO. W. GEARY.

To the Assembly Vetoing "An Act to Extend the Time of Payment of the Enrolment Tax Upon an Act Approved on the 16th Day of April, 1870, Entitled 'An Act to Incorporate the Allegheny Mineral Land and Mining Company.'"

Executive Chamber,  
Harrisburg, January 4, 1872.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill, No. 1254, entitled "An Act to extend the time of the payment of the enrolment tax upon an act approved on the 16th day April, 1870, entitled 'An Act to incorporate the Keystone mineral, land and mining company.'"

Having, on the third day of May, 1871, approved a general law extending the time for payment of enrolment taxes, it is deemed unnecessary to encumber the statute books with special enactments for the same purpose.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act in Relation to the Settlement of the Claims of the State for Unpaid Purchase Money on Certain Lands in the County of Union."

Executive Chamber,  
Harrisburg, January 4, 1872.

Gentlemen:—

**H**EREWITH IS RETURNED TO THE SENATE, in which it originated, bill, 662, entitled "An Act in relation to the settlement of the claims of the State for unpaid purchase money on certain lands in the county of Union."

The object of this act is to relieve the tracts of land, therein mentioned, from the operations of two certain mortgages, executed to the Governor of this Commonwealth by William A. Patterson, for the arrearages due upon said lands, given in pursuance of the acts of 22d of March, 1820, 1st of April, 1823, and 8th of April, 1826, authorizing the Secretary of the Land Office to grant patents for lands to persons who shall execute mortgages thereon, &c.

Many patents were taken out under these and other acts of Assembly, and mortgages and special liens given in lieu of the payment of the money then due upon the lands. It was required that before any patents should be delivered to the patentee under these acts, that an endorsement should be made thereon, that a mortgage was executed to the Governor for the use of the Commonwealth, stating the amount thereof, so that the original title might always convey a notice of the indebtedness of the State.

Mortgages and special liens, thus given for arrears due upon lands, bore interest at six per centum; but the State, in her leniency to this class of her debtors, by an act approved the 5th of December, 1864, reduced the interest to the rate of which it would have been calculated under the act of the 19th of March, 1858, had no mortgages been given.

Now, as a large proportion of these mortgages have been liquidated by the payment of the full amount of money due thereon, many during the last year, and inasmuch as there are yet a considerable number to be paid, there does not appear to be any reason why these be made an exception. The patentee in these cases, and those claiming under him, had the advantages their patents gave them, as well as the use of the money, which usually brings six per centum interest. Why, then, relieve them from this contract entered

into with the State, when for a greater part of the time they are only charged with interest at the rate of three and a half per centum? No reason, therefore, being apparent why these mortgages should not be settled under the laws now in force, and applicable to just such cases, I am constrained to withhold my approval.

JNO. W. GEARY.

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Annual Message to the Assembly.—1872.

Gentlemen:—

**Y**OU HAVE, FOR A SEASON, SEPARATED yourselves from private business and personal interests, and come from different sections of the State clothed with the powers of more than three and a-half millions of free, intelligent and independent people, to serve them in your representative capacity; and to determine upon public affairs, in such manner, it is hoped, as may deserve the blessings of God and the gratitude of men. It is becoming, therefore, to advance to these duties with minds untainted with party acrimony, unswayed by selfish or interested motives, and with fervent aspirations of praise and gratitude to the Great Preserver of nations, states and individuals, and to mingle our humble and devout supplications for His guidance and approbation in the accomplishment of the task assigned.

I am not insensible to the magnitude and importance of the subjects before me, nor to the responsibilities imposed; and approach them with diffidence and misgivings, conscious that some of them require more extended research than time and space could be allotted to their elucidation.

In compliance with the duty prescribed by the Constitution, I transmit, for your information and that of the people, a statement of the condition of the finances, schools, military and other matters of interest, with recommendations of such measures as are deemed of sufficient importance to be presented for your consideration.

## FINANCES.

After thorough examination of the reports from the accounting departments, the following statement is submitted:

## RECEIPTS.

Balance in Treasury, November 30, 1870, .....	\$1,302,942 82
Ordinary receipts during the fiscal year ending Nov. 30, 1871, .....	6,489,234 95
Extraordinary receipts from the United States government, on account of Pennsylvania war claims, applied to the payment of the State debt, .....	708,710 67
	<hr/>
Total in Treasury during year ending Nov. 30, 1871, .....	8,500,888 44

## DISBURSEMENTS.

Ordinary expenses paid during year ending November 30, 1871, .....	\$3,018,819 35
Loans, &c., redeemed, ...	2,220,224 59
Interest on loans, .....	1,785,035 91
Total disbursements, .....	7,024,079 85
	<hr/>
Balance in Treasury, Nov. 30, 1871, ...	1,476,808 59
	<hr/> <hr/>



## PUBLIC DEBT.

The public debt on November 30, 1870,		
was .....	\$31,111,661	90
Deduct amount paid by		
Sinking Fund Commis-		
sioners during the year		
ending November 30,		
1871, .....	\$2,113,223	68
Amount paid by State		
Treasurer during same		
time, .....	18,361	54
		<hr/>
		2,131,590 17
		<hr/>
Total public debt, November 30,		
1871, .....	28,980,071	73
		<hr/> <hr/>

The following statement shows the nature of the indebtedness of the Commonwealth, November 30, 1871:

## Funded debt, viz:

Amount of over-due loans, .....	\$2,502,695	16
Amount payable in 1872 and 1877, in-		
terest 6 per cent., .....	3,786,550	00
Amount payable in 1872 and 1877, in-		
terest 5 per cent., .....	92,850	00
Amount payable in 1877 and 1882, in-		
terest 6 per cent., .....	7,890,550	00
Amount payable in 1877, interest 5 per		
cent., .....	3,399,700	00
Amount payable in 1878, interest 5 per		
cent., .....	290,000	00
Amount payable in 1879, interest 6 per		
cent., .....	400,000	00
Amount payable in 1882 and 1892, in-		
terest 6 per cent., .....	9,271,850	00
Amount payable in 1882, interest 5 per		
cent., .....	1,119,950	00

Amount payable in 1882, interest 4½ per cent, .....		112,000 00
		<hr/>
Total funded debt, .....	28,866,145 16	
Unfunded debt, viz:		
Relief notes in circulation, \$96,347 00		
Interest certificates out- standing, .....	13,086 52	
Interest certificates un- claimed, .....	4,448 38	
Domestic creditors' certifi- cates, .....	44 67	
		<hr/>
		113,926 57
		<hr/>
Public debt, Nov. 30, 1871, as before stated, .....	28,980,071 73	
		<hr/> <hr/>

The Commissioners of the Sinking Fund report as-  
sets remaining in their hands, as follows, viz:

Bonds of the Pennsylvania Railroad Company, secured by lien on the Phil- adelphia and Columbia Railroad, ...	\$5,900,000 00
Thirty-five bonds of the Allegheny Val- ley Railroad Company, each for \$100,- 000, guarantied by the Pennsylvania Railroad Company, Northern Central Railway Company, and the Philadel- phia and Erie Railroad Company, payable \$100,000 annually, beginning January, 1875, with 5 per cent. inter- est from January 1, 1872, .....	3,500,000 00
	<hr/>
Amount of assets, .....	9,400,000 00
	<hr/> <hr/>
Amount of public debt, .....	28,980,071 73

Deduct amount of assets, \$9,400,000 00	
Cash balance in the Treasury, Nov. 30, 1871, . . . .	1,476,808 59
	10,876,808 59
Balance of public debt unprovided for,	18,103,263 14

In obedience to the sixty-seventh section of the appropriation bill, approved May 27, 1871, the State has issued for the relief of the citizens of Chambersburg and vicinity, for war damages adjudicated under former acts, certificates of loan to the amount of two hundred and ninety thousand seven hundred and forty-eight dollars and ninety-one cents, which sum bears interest at six per cent., payable semi-annually at the State Treasury.

The books of the Auditor General and State Treasurer show the total indebtedness of the Commonwealth, on the first day of December, 1866, was thirty-seven million seven hundred and four thousand four hundred and nine dollars and seventy-seven cents. Since then, and up to November 30, 1871, the sum of eight million seven hundred and twenty-four thousand three hundred and thirty-eight dollars and four cents has been paid. The reduction during the year ending November 30, 1871, is two million one hundred and thirty-one thousand five hundred and ninety dollars and seventeen cents. The average reduction during the last five years is one million seven hundred and forty-four thousand eight hundred and sixty-seven dollars and seventy-five cents.

It will be observed, in the table exhibiting the nature of the indebtedness of the Commonwealth, the amount of the loans now overdue is \$2,502,695 16. This sum can, without doubt, be paid as rapidly as the holders will present it to the Commissioners of the Sinking Fund. The bonds payable in 1872, and

demandable in 1877, amount to \$3,879,400 00. These can also be paid within the five years prior to their maturity, at an average of \$775,880 00 per annum.

For many years the general appropriation bills have been withheld from the Governor until about the time of adjournment, when he must either sign them without proper investigation, suspend the means to defray the operations of the government for the ensuing year, or call an extra session of the Legislature. It is earnestly desired that the appropriation bill be taken up, discussed and passed at an early period during the session, to enable the Executive to give it that thorough examination which its importance demands.

#### WAR CLAIMS.

In my message of January seventh, 1868, I informed the Legislature that "the balance in favor of the General Government for Pennsylvania's quota of direct tax levied in the several States for war purposes, and for cash from the United States, amounting in all to nearly two millions of dollars, has been settled in full by the allowance of claims for extraordinary expenses incurred by the State during the war. In consequence of the lapse of time since the remaining claims were contracted, the want of sufficient vouchers and explanations, and the difficulty of finding the parties, some of them being dead, by whom they should be made, render their settlement difficult, and in many instances doubtful, the accomplishment of which, however, will be vigorously pursued, and the result laid before the Legislature."

Lately public attention has been persistently directed to the subject of these claims, and their collection from the National Government; and in view of the action which it may be your duty to take in reference thereto, the following facts, showing what these

claims consisted of, the measures taken by the State for their recovery, and the success resulting therefrom, are submitted to aid you in your deliberations.

By a statute of Congress, approved July twenty-seventh, 1861, entitled "An Act to indemnify the States for expenses incurred by them in defense of the United States," it is provided "That the Secretary of the Treasury be, and he is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay to the Governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury."

By another act of Congress, approved August 5th, 1861, entitled "An Act to provide increased revenue from imports to pay interest on the public debt, and for other purposes," there was levied a direct tax upon the several States, Territories and the District of Columbia, of twenty million dollars, with the privilege to those States of collecting and paying the quota of their tax into the Treasury of the United States, of a deduction or allowance of fifteen per cent. as compensation for the expenses attending the collection.

Pennsylvania's portion of this tax amounted to \$1,946,719 33, the payment of which the State assumed.

The fifty-third section of the statute last referred to provides: "That the amount of direct tax apportioned to any State, Territory or the District of Columbia, shall be liable to be paid and satisfied, in whole or in part, by the release of such State, Territory or District, duly executed to the United States, of any liquidated and determined claim of such State, Territory or District of equal amount against the United States:

Provided, That in case of such release, such State, Territory or District shall be allowed the same abatement of the amount of such tax as would be allowed in case of payment of the same in money."

Under the act of Congress first referred to, of July 27th, 1861, claims on the part of the State against the United States were filed, amounting in the aggregate to ..... \$3,172,218 19

These claims were filed in six different instalments, as follow, viz:

1st filed March 1, 1862, ..	\$1,182,997	22
2d filed June 11, 1862, ...	854,337	20
3d filed February 20, 1863,	81,084	91
4th filed May 4, 1870, ...	257,933	18
5th filed June 30, 1870, ..	762,127	91
6th filed May 25, 1871, ...	33,737	77
	<hr/>	
		\$3,172,218 19

It was in reference to the first and second instalments of the claims so filed, that my predecessor, Governor Curtin, informed the Legislature, January 7, 1863, that on the 14th of June, 1862, the quota of direct tax due by the State had been "paid to the United States, partly by a relinquishment of a portion of the sums claimed by this State from the government, and partly in cash, after deducting the fifteen per cent. allowed by act of Congress for prompt payment." The settlement thus assumed to have been effected, and which, on the information reported to him, Governor Curtin supposed to have been complete, was based upon an arrangement, as understood by the State authorities, shown by the following figures:

Amount of direct tax, .....	\$1,946,719	33
Deduct 15 per cent., .....	292,007	90

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1,654,711 43

Cash paid by the State to the United States, June 30, 1862, .....	350,000 00
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Proportion of war claims set off by the State, .....	2,304,711 43
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It subsequently transpired, however, that at the date when Governor Curtin assumed the above settlement to have been completed, no portion of the State's claims had been "liquidated and determined" by the "proper accounting officers of the Treasury" of the United States, as required by the statutes of Congress, approved 27th July and 5th of August, 1861. Indeed, it was not until November 1, 1865, that any portion of the State's claims had been "liquidated and determined" by the United States officers, and even then the only sum allowed amounted to one hundred and twelve dollars and fifty cents. Still, on September 20, 1861, the United States made an advance to the State on account of these claims of \$606,000, and for this cash advance the State stood debtor to the United States until the claims were "liquidated and allowed." So that on the books of the National Government the State appeared debtor for,

1st. Quota of direct tax, .....	\$1,946,719 33
2d. Cash advanced by the United States to the State, September 20, 1861, .....	606,000 00
<hr/>	
	2,552,719 33
Less cash paid by the State to the United States, June 30, 1862, .....	350,000 00
<hr/>	
	2,202,719 33

while the claims on the part of the State against the United States were understood, if properly supported, to be considerably in excess of this amount. To enable the State to have secured the benefit of the

rebatement of fifteen per cent. on the quota of direct tax, amounting to \$292,007 90, it was absolutely necessary, under the statutes of July 27, and August 5, 1861, that the money should either be paid out of the Treasury to the United States, or that the claims of the State against the National Government, which had been "disallowed and suspended" (except the credit of \$112 50, above explained,) for five years, should be "liquidated and determined" by the accounting officers of the government. It was under these circumstances that the Legislature of the State, in 1867, by joint resolution, authorized the Governor to appoint "a special agent to collect disallowed and suspended claims against the United States," "whose compensation for that purpose shall not exceed ten per centum of the amounts thus collected, and shall be paid out of such collections."

As thus authorized, it became my duty to appoint a competent person to attend specially to the interests of the Commonwealth in the collection and adjustment of these claims, and under the authority conferred upon me, I appointed Mr. George O. Evans, of Philadelphia, whose recommendations for efficiency and faithfulness were so strong, that I had no hesitation to place in his hands the agency required by the act of Congress of July 27, 1861, and the joint resolution of the Legislature. It was not expected that he would ever succeed in paying of a debt which seemed to be greater than the amount of the claims then on file; nor was it expected that he would succeed, under the best of circumstances, in obtaining more than a few hundred thousand dollars out of vouchers, which had for upwards of five years, been "disallowed and suspended," and deemed almost without value.

Mr. Evans, upon his appointment, immediately gave his attention to the duties assigned him, and through his success in paying the entire debt due the General Government, I was able to communicate to the Legis-



lature of 1868, the partial settlement of the claims referred to. It is due to Mr. Evans to state, that that reference was of too meagre a character to place the result of his services fairly and fully before the public. Through his labors, the claims of the State, which had for years been "suspended and disallowed," were "liquidated and determined" by the accounting officers of the National Government, and being thus "liquidated and allowed," the State for the first time became entitled, under the provisions of the act of August 5, 1861, to the above sum of \$292,007 90, as the rebate-ment on the quota of the United States tax.

The credit thus secured to the State, deducted from her quota of the direct tax, left a balance thereon against the State of \$1,654,711 43, and from this sum there was to be deducted the payment made by the State on account of this tax on June 30, 1862, of \$350,000 00—reducing the liability of the State for direct tax to \$1,304,711 43. This indebtedness, as also the cash advanced to the State on September 20, 1861, six months before the first instalment of claims had been filed on the part of the State, of \$606,000.00, were paid by Mr. Evans by the collections which he succeeded in making upon the claims "liquidated and determined" in favor of the State, as already explained.

By act of Congress, the State was entitled to a rebate-ment of fifteen per cent. on her quota of the United States tax, provided it was paid before the first day of June, 1862, and of ten per cent., provided it was paid before the first of September of that year. The State had forfeited both of these proposed reductions for prompt payment by her delinquency in not paying the tax for five years. But, notwithstanding all this, Mr. Evans not only obtained for the benefit of the State, the rebate-ment of the fifteen per cent. on the amount of the tax, but a release of the interest which might have accrued on the entire claim of the United States.

The claims collected by the State from the United States, are as follow:

1st. November 1, 1865, .....	\$112 50
2d. May 2, 1867, .....	1,989,115 82
3d. October 27, 1868, .....	105,651 46
4th. August 26, 1870, .....	136,846 09
5th. April 11, 1871, .....	137,822 59
6th. May 15, 1871, .....	242,167 57
7th. June 23, 1871, .....	298,753 08
	<hr/>
	2,910,469 11
	<hr/> <hr/>

These collections the special agent accounts for as follow:

1st. May 2, 1867, paid debt due by the State to the United States, being bal- ance of quota of direct tax, .....	\$1,304,711 43
May 2, 1867, re-paid cash advanced to the State by the United States, September 20, 1861, ...	606,000 00
2d. Paid into State Treas- ury as follow:	
April 20, 1871, cash, .....	\$137,822 59
May 16, 1871, cash, .....	242,167 57
June 27, 1871, cash, .....	298,753 08
July 21, 1871, cash, .....	29,967 53
	<hr/>
	708,710 77
3d. His commission of ten per centum on the	

amount collected, re- tained from the collec- tions, .....	291,046 91	
	<hr/>	\$2,910,469 11

From these results it will be seen that the present condition of the claims against the National Government stands thus:

Amount of claims filed as before shown,	\$3,172,218 19
Of which there have been allowed and collected, .....	2,910,469 11

The balance at present in suspense amounts to .....	261,749 08
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Further claims on the part of the State can, I am informed, be fairly made, with good prospect of collection, to the amount of .....	100,000 00
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Making the amount of suspended and outstanding claims yet to be col- lected, .....	361,749 08
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#### CREDIT MOBILIER OF AMERICA.

By the fourth section of the act approved May first, 1868, taxing corporations, it is declared:

“That the capital stock of all companies whatever, incorporated by or under any law of this Commonwealth, \* \* \* shall be subject to pay a tax into the Treasury of the Commonwealth annually, at the rate of one-half mill for each one per cent. of dividend made or declared by such company.” The taxes received during the last four years from corporation stocks have annually exceeded one million dollars, and are now about the one-sixth part of the revenue of the State.

“The Credit Mobilier of America” is a corporation created by the Legislature of Pennsylvania; and under the vast powers conferred by its charter, it undertook the construction of that great national work, the Union Pacific railroad. The first contract was made with a Mr. Hoxie for two hundred and forty-seven miles, at the eastern terminus of the road, and east of the one-hundredth meridian, for the consideration of fifty thousand dollars per mile. This contract was assigned by Hoxie to the Credit Mobilier, and the road was built by that company. In the execution of the contract certain profits were made and dividends divided by the corporation; and the taxes due thereon to the State of Pennsylvania were voluntarily paid into the Treasury. Soon afterwards another contract was made with Mr. Oaks Ames, for the construction of six hundred and sixty-seven miles of said road west of the one-hundredth meridian, for an aggregate consideration of forty-seven million nine hundred and fifteen thousand dollars. This part of the road was constructed under the latter contract; and out of the profits arising therefrom about the sum of nine million dollars was declared as dividends, and paid to the stockholders of the Credit Mobilier. But when the State demanded her taxes on these immense profits, payment was refused by the corporation, on the grounds that the dividends though paid to, and received by, the stockholders of the corporation, and in the precise amounts and proportions in which they severally held stock in the company, were yet paid to them as individuals, and not as stockholders. To make good this defence sundry papers, agreements and contracts were produced, and especially a tripartite agreement between Oaks Ames of the first part, sundry trustees therein appointed of the second part, and the Credit Mobilier of the third part, by which, and the accompanying parol evidence, it was contended

the corporation was not responsible for the taxes claimed, amounting to about one million dollars. The accounting officers of the State, with counsel employed by the Auditor General, associated with the Attorney General, prosecuted the claim with zeal and ability, and on the two separate trials in the court of common pleas of Dauphin county recovered verdicts and judgments against the corporation.

The first was obtained November 25, 1869, for \$407,483 39, and the second, December 23, 1870, for \$4,610,391 03. The defendant took writs of error; and the Supreme Court reversed the judgments, and in the opinion of a majority of the judges certain principles are declared which are considered fatal to a recovery by the State. If this corporation, created by the laws of Pennsylvania, by the legedemain of a tripartite agreement, and other contracts and proceedings to which the Commonwealth was not a party, can thus evade taxation upon its capital stock, I can imagine no good reason why every other corporation may not, by a resort to the same ingenious contrivance, escape the payment of taxation on their capital stock, and thus over a million dollars annually be lost to the State Treasury. In view of this impending danger, I earnestly invoke your prompt and careful consideration of this whole subject, and recommend such action as will in the future effectually protect the interests of the Commonwealth.

#### CONSTITUTIONAL REFORM.

The people at the last election having proclaimed unmistakably in favor of a convention to revise the Constitution, it will doubtless be the pleasure of the Legislature to provide the necessary legal machinery to carry out the popular will on this important subject. I cordially sympathise with this movement, and in my last annual message presented my views thereon

so fully that a repetition of them is deemed unnecessary, but to which special reference is made. A careful revision of our fundamental law, by men qualified for that duty, is imperatively demanded by the highest considerations of public welfare.

Connected with this, in a considerable degree, are the questions of the establishment of a "Court of Appeals," and the appointment of a commission to revise the tax laws and to equalize taxation. Both of these measures are important, and are urged upon my consideration by intelligent men from different parts of the State. But, inasmuch as the constitutional convention may, with propriety, undertake the re-organization of our judicial system, and as taxation should be based upon and made conformable to the requirements of the Constitution, I incline to the opinion that general legislation on these subjects had better be postponed until the action of the proposed convention shall be known.

#### CONGRESSIONAL APPORTIONMENT.

The second section of the first article of the Constitution of the United States, as modified by the second section of the fourteenth amendment thereto, defines the principles and basis of congressional representation; and imposes upon each State the duty of dividing the same, every ten years, into Congressional districts, each containing as nearly as possible the ratio of inhabitants adopted by Congress, based upon the enumeration of the National census of 1870. No more important duty than this apportionment of the State into Congressional districts is likely to devolve upon the present Legislature; and I bespeak for it that careful and patriotic consideration which is required by the magnitude of the interests involved.

## THE MILFORD AND MATAMORAS RAILROAD COMPANY.

About the close of the session of the Legislature in 1870, an act was passed and approved, entitled "A supplement to the Milford and Matamoras Railroad Company." The fourth section of this enactment seems to have been intended to take from the State, and give to the company, the ten thousand dollars bonus, paid into the State Treasury annually by the New York and Erie Railroad Company, under the fifth section of the act of 26th March, 1846. Soon after the adjournment, my attention was directed to the subject, and to guard against loss I caused the Attorney General to give notice to the New York and Erie Railroad Company that the State would look to that corporation for the payment of the annual bonus, as heretofore, notwithstanding the passage of the supplement referred to. I regard the latter as having been enacted and approved, through inadvertence, in the hurry of closing session, and as hasty and inconsiderate legislation, at variance with the settled policy of the State, and highly prejudicial to the public interests; and I therefore earnestly repeat the recommendation in my last annual message for the immediate repeal of this obnoxious law, or at least of that part of it which relates to the bonus. The State having long since abandoned the policy of paying money out of her Treasury for the construction of railroads, there is neither equality or justice in allowing this enactment to remain in force.

## EDUCATION.

Every citizen is deeply interested in the management and welfare of our common schools, and in the cause of general education, and should rejoice that in the prosperity of so great a trust he is charged with an appropriate share of responsibility. In proportion as the character of public instruction is elevated, the

vast multitudes who emerge from our schools will be properly prepared for the active duties of life, and "the weighty responsibilities of American citizenship."

Thirty-seven years have elapsed since the common school system was introduced into Pennsylvania, and the general prosperity of the State has, ever since, been commensurate with the advantages that have been afforded to its rapidly increasing population. Those who were instrumental in its introduction, and those who have devoted themselves to perfecting its operations as to methods of teaching, the adaptation of buildings, and all other means of education, are fully appreciated and compensated by the gratitude of all good and intelligent people. But much yet remains to be done to perfect its ultimate purposes, and it must not be said of us, now upon the field of action, that we are permitting the good work to languish in our hands. No just complaint should be allowed as to its efficiency, or that its great and important ends are not being accomplished.

It was certainly the purpose of the founders of our common school system to give every child in the Commonwealth, without regard to its pecuniary or social condition, the advantages of sufficient education to enable him or her to engage in the successful transaction of the ordinary branches of business, and to obtain and maintain a respectability which ignorance can never acquire. Thus far this has not been fully accomplished; for I am informed there are at least seventy-five thousand children in the State who attend no schools of any kind whatever. It is unnecessary to inquire into the reasons for this shameful neglect. The evil exists and demands an efficient remedy. That remedy may probably be found either in compelling, or in holding out inducements to parents and others having children in charge, whether rich or poor, to



afford them the benefits, for at least a reasonable term of years, of our public schools.

Those who neglect this duty are unfit guardians, and deserving of severe reprehension. Parents are not the sole owners of their children. The latter are the property of the State, the prosperity of which materially depends upon their future usefulness. They are emphatically her children, and have an indefeasible right to demand her protection in their youth, that in advanced life they may, in turn, become her protectors. Let them be properly reared, trained and cultivated, and they will grow up to maturity loving the hand that fostered them, and feeling a deep and lasting interest in its welfare for the paternal care they received. And thus many who would otherwise be neglected may become an honor to themselves, and bright and shining lights in the moral, social, religious and political firmament of the Commonwealth. But let these be neglected, and what are the adverse results? Idleness and ignorance are the prolific sources of vice and crime. They will fill our almshouses with youthful vagrants, our prisons with convicted criminals, houses of infamy with dissolute wretches, the purlieus of our cities with drunken, miserable and half-starved vagabonds, and cover our "Potter's fields" with the graves of those who might have been, with proper instruction, ornaments to society and serviceable to their country. These statements are fully sustained by the reports of prison inspectors, wardens, physicians and philanthropists who have given the subject careful consideration; and it has been clearly demonstrated that an exceedingly small percentage of the suffering beings who crowd our prisons and poor houses have received even the rudiments of an ordinary education, or moral instruction during their childhood. This condition of things admonishes those having charge of public interests to a great responsi-

bility, and that the application of effectual remedies admits of no delay. Therefore, such legislation is recommended as will remedy any defects in our school system that have hitherto failed to make it thorough, comprehensive and universal.

I would advise a more liberal policy to be adopted in regard to the compensation of teachers in the public schools, that the highest order of talent and the best qualifications for the responsible and important duties of instruction may always be secured.

On this occasion I have omitted the statistical statements exhibiting the condition of the different branches of the School Department, and respectfully invite your attention to the carefully prepared reports of the Superintendent for a detailed account of the Normal, Agricultural, Common and Soldiers' Orphans' schools and colleges, and to the suggestions and recommendations contained therein. His long and successful career as an educator eminently entitles them to your attentive consideration. I also recommend an appropriation of five hundred and twenty thousand dollars in aid of the common schools, and four hundred and eighty thousand dollars for the continuance of the soldiers' orphans' schools, for the school year terminating May 31, 1873.

#### NATIONAL GUARD.

The accompanying report of the Adjutant General will be found an interesting document. It is replete with valuable information in regard to which every citizen of the Commonwealth is deeply concerned. The present condition and efficiency of the military organizations of the State, recognized as the "National Guard," is in most instances such as to give general satisfaction. From a very small beginning, at the close of the war, they have assumed an attitude most creditable to the patriotic ardor of our young men,

some of whom during the past year have been enabled to avail themselves of an opportunity to prove their usefulness in the field.

The effective force of the National Guard is at present nineteen regiments, and three battalions, comprising, with unattached organizations, three hundred and eighty-two companies, viz: Eight artillery, twenty cavalry, and three hundred and fifty-four infantry. Of the regimental organizations, thirteen are in the First division, one in the Second, three in the Eighteenth, and two in the Ninth. The aggregate of enlisted men is sixteen thousand seven hundred and thirty-four, and the commissioned officers number one thousand one hundred and forty-two. The Fifth brigade of the First division, organized in accordance with an act of the last Legislature, is composed of three regiments of colored troops.

The entire force is handsomely equipped, and generally well drilled and disciplined, and prepared to meet any ordinary emergency in which its services may be required or demanded by the constituted authorities.

The riotous condition of affairs in Luzerne county during the months of April and May last, demonstrate the necessity for and efficiency of these voluntary military organizations. For a full account of these disturbances of the peace, and the operations of the volunteers ordered into service, you are referred to the report of Major General Edwin S. Osborne, commanding the Ninth division of the National Guard, which will be found in the report of the Adjutant General. From this document and other facts daily communicated to me during the existence of the Scranton troubles, it is evident that our citizen soldiery cannot be too highly esteemed for their services on that occasion; and their usefulness is demonstrated should similar, or any other civil disturbances, hereafter occur.

But for the prompt appearance and judicious management of the National Guard on the occasion of these riots, one of our most prosperous cities might have been reduced to ashes, millions of property destroyed, many valuable lives sacrificed, and scenes of general ruin and devastation produced.

By act of the Legislature provision was made for the expenses necessary for the suppression of the disturbances in Luzerne county. They amounted to thirty-seven thousand eight hundred and sixty-seven dollars and thirty-six cents. The various items comprising this sum, properly audited, and paid by the State Treasurer, will be found in detail in the report of the Adjutant General.

The history of the volunteers in the late war is completed and ready for distribution. It embraces five royal octavo volumes, and bears evidence of being a work of much labor and research. Accompanying this you will receive the final report of the Historian.

#### WRITS OF ERROR IN CRIMINAL CASES.

At the session of 1870, the Legislature passed an act, entitled "An Act to allow writs of error in cases of murder and voluntary manslaughter," the first section of which provides that a writ of error "shall be of right, and may be sued out upon the oath of the defendant or defendants, as in civil cases." The second section makes it the duty of the judges of the Supreme Court, in all such cases, to review both the law and the evidence. The importance of this subject, and the neglect of the Legislature to act upon it in response to the request in my last annual message, makes it incumbent upon me to repeat my recommendation. Before this enactment the law required the defendant to allege that some error had been committed by the court on the trial, and to show cause, within thirty days, why the writ of error should be granted;

but this law gives a writ, whether any error is alleged or not, and allows the defendant seven years in which to issue it, according to the practice in civil cases. Heretofore the Executive did not ordinarily issue the warrant for execution of any criminal until the expiration of the thirty days within which he was permitted to apply for his writ of error. That limitation of thirty days being now virtually repealed, and seven years substituted therefor, is it expected the warrant shall be withheld for seven years? If not, when may it properly issue? And if issued at any time within the seven years, may not the criminal supersede it at any time he pleases by this writ of error? And may it not be reasonably expected that this will be the practical result in many cases? This would seem like trifling with very serious matters; and I respectfully submit whether the act should not be repealed, or very materially modified, without delay. In my message of 10th February, 1870, returning the bill with my objections, I gave sundry reasons why it should not be approved, and the views therein expressed remain unchanged; and the Supreme Court of the State, in the Shoeppe case, expresses its opinion of this enactment, as follows:

“It is not improper before closing to say a few words in reference to the act of 1870, to draw attention to some of its defects, and to the radical change in our criminal jurisprudence it will produce. It was passed for this case, but owing to the Governor’s veto it came too late. It is another evidence that laws which are the offspring of feeling are seldom wisely framed. It commands this court to review the evidence and to determine whether the ingredients to constitute murder in the first degree were proved to exist; and yet in forgetfulness of the former law, it provides no means to take, preserve and bring up the evidence. This, the first attempt to act under it, proves its in-

efficiency, the judge below returning to our certiorari that he was not able to make the return of the evidence. He is not bound by law to take the testimony or to certify to it. A bill of exceptions brings up only so much of the evidence as may be required to explain the point of law contained in the bill.

“The effect of this law seems not to have excited attention. It has changed the whole doctrine of the criminal law as to the speed and certainty of punishment, and left to the felon both the hope and a door of escape, not only from the law’s delay, but by prison breach, and all the various means of avoiding retributive justice. At this moment, two cases occur to my memory of convictions of murder in Allegheny county, delayed by dilatory motions, where the prison doors opened by unknown means, and the prisoners escaped forever. Any murderer may, under this law—though like Probst he may have murdered a whole family—take out his writ of error, without limitation of time or condition, whether in prison under sentence, or stepping upon the trap of the gollows, with cause, or without it, and suspend his case until the next term of the Supreme Court. No one could condemn him, if the death warrant not preventing, he should wait till the term of the Supreme Court be passed, and then take out his writ of error to delay the execution of his sentence for a whole year. That only security to the public, the examination of the case and allowance of the writ for cause, is repealed.”

#### PROCLAMATIONS FOR ELECTIONS.

Complaints have been made to me of a want of uniformity in the sheriffs’ proclamations for elections, to which I deem it important to invite your attention. There are sundry local laws on the subject of elections, to which the local proclamations must necessarily conform. The election laws are generally uni-

form; and there are no good reasons why the main body of the sheriffs' proclamations should not also be uniform. For many years scarcely any two proclamations have been alike; and they seem, in many instances, to have been prepared with more regard to supposed partisan advantages than to a compliance with the plain requirements of law. Many things are included which are unnecessary, and frequently other things are excluded which the law positively requires. This evil should be remedied; and I can suggest no better way of doing it than for the Legislature to authorize the Secretary of the Commonwealth or the Attorney General to prepare and distribute such a form of proclamation as the law prescribes.

#### RAILROAD CONSOLIDATIONS.

The consolidation of railroads and railroad companies has lately become quite common, and the interests involved are very great. The laws heretofore created, authorizing this to be done, only require that the articles of merger shall be filed in the office of the Secretary of State, but confer no authority for recording. In view of the magnitude of these interests, I recommend that authority be given to the Secretary to record, in suitable books, all articles and agreements of consolidation and merger heretofore filed, and all that may hereafter be presented for that purpose.

#### CAPITOL AND CAPITOL GROUNDS.

A suitable place is desirable for the proper exhibition of the painting of the Battle of Gettysburg, and the flags now stowed away in the office of the State Historian. Few persons visit Harrisburg who are not desirous of viewing, not only the painting, but the worn and tattered colors carried triumphantly over many battle-fields, by our brave soldiers during the

recent war. These should not be hidden from public inspection as so much useless and condemned rubbish. The rooms in the Capitol used by the State Historian and the Board of Charities, would, conjointly, answer the purpose indicated, and but small expense need be incurred to put them in proper order.

The Legislature has frequently had under consideration the propriety of purchasing a small piece of land at the east corner of the Capitol grounds, necessary to complete the square. I recommend that further efforts be made to secure the object indicated, and that the iron fence enclosing the grounds be completed.

#### CODIFICATION OF THE LAWS.

In my last annual message the favorable consideration of the Legislature was invited to the revised civil code; but no action was taken on it other than the appointment of a joint committee of the two Houses to examine it and make report at the present session. The commissioners informed me that, in the interval of time, they have ingrafted into the code so much of the legislation of last winter as was necessary to harmonize the whole, and have also made some corrections of their earlier work, and that their production is now in the hands of the joint committee.

#### COAL MINES.

During the session of 1870 the Legislature passed a law "providing for the health and safety of persons employed in coal mines," which has been productive of beneficial results. Yet there are deficiencies to be supplied in order to fully accomplish the desired objects. In a previous message I endeavored to make it appear that no extensive coal mine could be safe without more than one outlet, and not even then unless secured by incombustible material. The recom-



mendation that at least two openings should be required has been incorporated in the law, but that regarding the use of wood in their construction was unheeded. It is comparatively of little importance how many means of exit there may be if these are choked up with the flames and smoke of burning timbers. This was demonstrated in September last in the terrible calamity at Pittston, which followed so soon after that of Avondale, and was less horrible only because less extensive, by which the lives of eighteen miners were sacrificed, and which, with the proper precaution against fire, might probably have been saved.

A still more recent casualty suggests another amendment to the act referred to. By the reprehensible practice of robbing the supporting columns, the roofs of the mines, the over-laying surfaces of which are in some places covered with houses, sink into the vacuum, causing the destruction of many thousands of dollars worth of property, as at Scranton, Hyde Park and Wilkesbarre. It should, therefore, be made unlawful to remove the coal supports without supplying their place with others of substantial masonry, or something equivalent.

The reports of Inspectors of Mines furnish much statistical information and other valuable and interesting matter, exhibiting their usefulness and vindicating the propriety of their appointment.

#### COMPULSORY VACCINATION.

The small-pox has, during the past year, made its appearance in the cities and populous districts of the State. In July last it assumed an epidemic character, and its ravages still continue. During the last six months, in Philadelphia alone, over eight thousand cases were reported, of which eighteen hundred and seventy-nine proved fatal. On this point the Port

Physician and the Health Officer of that city, in their report of December 11th, say "it is a deplorable shame that ten hundred and eighteen lives (the number reported up to that date) have been sacrificed this year, which could and should have been preserved by the known means of prevention." From this statement it appears that more than one per cent. of the population of that city was smitten with the infection, and that the mortality exceeded twenty-three per cent. of the cases reported. The epidemic has spread widely over the State, and many neighborhoods have greatly suffered.

The cause evidently exists among ourselves, and it becomes our duty to devise means to arrest its progress, and to enact such legislation as will protect our people against its recurrence. This is a delicate subject, but it is one which so deeply affects the welfare of our citizens, and the general interests of the State, that it becomes my duty to speak frankly and to the point. And it is also one in which every member of the General Assembly is equally concerned. Eminent medical men unhesitatingly declare that thousands of lives have been sacrificed for want of proper sanitary laws. There are none such in the State; and if they are not speedily enacted a weighty responsibility will rest upon whom the duty devolves.

I quote from a recent work by Dr. P. H. Chavasse, an eminent English surgeon, and Dr. F. H. Getchell, lecturer, Jefferson Medical College, the following paragraph:

"Small-pox is a pest. It is worse than the plague; for if not kept in subjection it is more general—sparing neither young nor old, rich nor poor, and commits greater ravages than the plague ever did. Small-pox is a disgrace to any civilized land, as there is no necessity for its presence. If vaccination were frequently and properly performed, small-pox would be un-

known. Cow-pox is a weapon to conquer small-pox, and drive it ignominiously from the field. My firm belief, then, is that if every person were, every seven years, duly and properly vaccinated, small-pox might be utterly exterminated. But as long as there are such lax notions on the subject, and such gross negligence, the disease will always be rampant; for the poison of small-pox never slumbers nor sleeps, but requires the utmost diligence to eradicate it. The great Dr. Jenner, the discoverer of cow-pox as a preventive for small-pox, strongly advocated the absolute necessity for every person being vaccinated once every seven years or oftener, if there was an epidemic of small-pox in the neighborhood." These eminent physicians also aver that very few fatal cases are recorded as occurring after vaccination, and these may be considered as only exceptions to the general rule, and some of them might be traced to the vaccination not having taken effect. They moreover say that persons who take small-pox after vaccination are seldom pitted, and the disease assumes a comparatively mild form. The necessity, therefore, for a compulsory vaccination law and its utility is also demonstrated by unanswerable statistics, contained in the report of the port physician, herewith submitted, and to which you are most respectfully referred.

#### A STATE BOARD OF HEALTH.

Many eminent medical and other scientific gentlemen have suggested that the organization of a State Board of Health, under the auspices of the Legislature, would be greatly conducive to the general welfare of the people of the Commonwealth. After mature deliberation I thoroughly accord in this opinion. Local boards of health may answer the purposes for which they are established; but their fields of operation are limited, and they cannot accomplish the ob-

jects contemplated by the appointment of a general State Board. The prevalence of yellow fever in former years, which spread beyond the boundaries assigned to the Philadelphia Board; the devastation produced by the small-pox during the past year; the fact that the Asiatic cholera is steadily marching over its old track to our very doors; and the many other influences which constantly threaten the health of our citizens, seem imperatively to demand the creation of as efficient a sanitary institution as legislative wisdom can possibly devise. The Board could be formed somewhat similar to that of Public Charities. The expense to the State need be no greater, while the benefits to be derived are incalculable. The head of the Board should be a physician of undoubted respectability in regard to every necessary acquirement, and large experience in the practice of his profession, while the Board might consist of five or more medical men resident in different parts of the State, who would perform the duties, if not gratuitously, at least at a very moderate cost. The general objects should be clearly specified and defined; and each member should exercise a careful supervision over the sanitary condition of the district of the State to which he might be assigned. The appointment of such a Board cannot result otherwise than in great sanitary reforms.

#### REMOVAL OF THE QUARANTINE.

The propriety of removing the Quarantine station has for a long time been a mooted question. Popular opinion decidedly favors a change, and in a few years it will be an imperative necessity. The existing Lazaretto was established nearly a century ago in a sparsely populated district. Since then its neighborhood has become thickly settled, and many dwellings and towns are springing up in its immediate vicinity. The rapid growth of the city of Chester, and its being made

a port of entry, will necessitate the removal. Besides, there are cities and villages of considerable size far below the Quarantine station, on both sides of the river, which should receive the protection now only inadequately afforded to Philadelphia. It should be located at the mouth of the Delaware river, or upon the bay, if a proper situation for the erection of the necessary buildings can be obtained.

No argument is necessary to show that quarantine, to be effective, should be as far remote from thickly populated districts as possible, and hence the necessity for the change suggested.

To effect this change the co-operation of the States of Delaware and New Jersey is desirable and important, in order that a joint Quarantine for the protection of the three contiguous States may be established. I recommend that two commissioners be appointed to correspond with similar commissioners of the other States named, for the purpose of successfully accomplishing this greatly desired object.

#### THE POWDER MAGAZINE.

The removal of the powder magazine in Philadelphia from its present location is a subject demanding prompt attention. It is nearly contiguous to the city gas works, coal oil refineries, the new League Island navy yard, many manufacturing establishments and dwelling houses; and consequently an explosion of the powder in the magazine might result in a great loss of life and destruction of property. The magazine should be in some more isolated district.

#### PUBLIC CHARITIES.

You will, in due time, receive a full report of the transactions of the Board of Public Charities during the past year. The usefulness of the board will be shown by the facts to be presented. Several sugges-

tions as to the improvement of its organization and management will be made in the report, to which your attention is invited. Its importance to the cause of humanity and the interests of the Commonwealth is generally acknowledged.

#### IN MEMORIAM.

During the last few years it has been my melancholy duty to chronicle the death of a number of eminent citizens, who had either heretofore been, or were at the time connected officially with the Commonwealth, and at the present time I would do injustice to my own feelings, were I to omit to notice the fact, that three noble and patriotic sons of Pennsylvania, whom its people had lately honored with their confidence, have terminated their earthly career within a brief period.

Hon. George Connell, member of the State Senate from the Fourth Senatorial district, died in Philadelphia on the 26th of October last, aged fifty-six years. A brief tribute to his many virtues and excellencies is due him as a faithful public servant. During the early part of his life he was engaged in merchandising, afterwards in real estate and law business, and subsequently, from 1859, a period of twelve years, was a member of the State Senate, during several years of which time he was chairman of the Committee on Finance. He was thoroughly conversant with the financial affairs of the State, an eloquent and courteous debater, a wise counselor, and an able parliamentarian. He was elected by a majority of over seven thousand votes in October last to his fifth term. His death leaves a vacancy in the Senate, and will cause a void in the political and social circles of the State that will not easily be filled. His faithful and valuable services will long be remembered.

Hon. David Stanton, Auditor General elect, departed this life under distressing circumstances, at New Brighton, Beaver county, on the fifth of November last, aged forty-two years. He was a physician, having graduated at the Cleveland Medical College, and at the University of Pennsylvania. During the late war he was professionally engaged in several branches of the army, viz: Surgeon of the First Pennsylvania Cavalry, Surgeon of the United States Volunteers, Superintendent of Hospitals, Medical Director of the Northern department, and at the close of the war was brevetted Lieutenant Colonel and Colonel. He continued actively engaged in his profession until the time of his death. He was a scholarly, refined and thorough gentleman; kind in his deportment and eminently skilled in his profession. His departure is the more deeply lamented as he had just become the people's choice for another and more extended field of honor and usefulness.

J. W. Dickerson, Esq., of Bedford, departed this life on the 26th December last. He had distinguished himself as a successful teacher of our common schools, and as County Superintendent. Within the last few years he studied law, and was admitted to the bar. He was a young man of ability and much promise of future usefulness, and was elected, last October, a member of the House of Representatives from the district composed of the counties of Bedford and Fulton.

#### PARDONS.

Among the most embarrassing and responsible duties required of the Executive is the exercise of the pardoning power. There is scarcely a petition for pardon made, upon which strong conflicting interests and opinions are not brought to bear, all of which must receive close and unprejudiced scrutiny in order that mercy and justice may alike be satisfied. This

demands much time and no small amount of patience. The pleadings of relatives, friends and humanitarians must be heard and duly considered on the one hand, and on the other the action and decision of the courts, and in many cases the earnest protests of either sincere or malicious prosecutors. And after his decision is fairly given in favor of an unfortunate convict, the Executive must, in almost every case, be prepared to encounter acrimonious criticism from parties who have never given the subject one moment's consideration.

During the past year the applications for pardons numbered one thousand and twenty-three. Of these, sixty were granted, less than six per cent. of the entire number, being about one to every sixty thousand inhabitants of the State, and far below the average in any State, in proportion to the population, in which committees are appointed to exercise this power.

Accompanying this message will be found a pardon report, in conformity with a plan adopted the first year of my administration. These reports are made for the purpose of showing that no secrecy adheres to the exercise of the prerogative in question, and to inform the Legislature and the people, every one of whom has an interest in the subject, what reasons have been adduced for the liberation of persons convicted of crime, and what personal influences have been employed for the accomplishment of that object.

#### COMMUTATIONS OF IMPRISONMENT.

The act approved May 21, 1869, authorizing commutations upon the terms of prisoners convicted of crime, has produced a decidedly salutary effect. The discipline of the prisons is reported as being greatly improved by the voluntary good conduct of all desirous of availing themselves of the merciful provisions of the law; and reformatory influences have been manifest in many cases by the good behavior of those who have been the fortunate recipients of its benefits. The



improved habits of prisoners, during their confinement have gone with them into private life, and the wisdom of the Legislature in passing the law has thus been signally confirmed. In accordance with the act referred to, commendable conduct on the part of a prisoner, such as will merit and receive a favorable certificate from the warden of a prison, with the approval of its board of inspectors, secures the following deductions from the terms of sentence, viz:

“One month on each of the first two years; two months on each succeeding year to the fifth year; three months on each following year to the tenth; and four months on each remaining year of the term of sentence.”

The number of convicts directed to be discharged, under this act, before their terms of sentence had expired, from the State penitentiaries and county prisons, during the past year, amounts to five hundred and fifty-three, and it is a gratifying fact that thus far I have not heard of any one of them returning to habits of crime.

#### GENERAL REMARKS.

Herewith is submitted a communication from the President of the United States, in regard to the twenty-seventh article of the treaty concluded in Washington on the eighth day of May last, between the United States and Great Britain. It relates to the navigation of the lakes, rivers and canals along the northern boundaries of the United States. To which, and the accompanying copy of the treaty, your attention is invited.

In accordance with an existing law, the banks in the Commonwealth are required at stated periods to publish a correct statement of their business transactions and financial condition. A law similar in all respects should be passed in regard to all saving fund institutions.

A re-survey of the geological and mineralogical resources of the State has on several former occasions been recommended. The subject is again commended to your consideration.

The report of Col. James Worrell, Fish Commissioner, will be laid before you; from which it will be seen that although the work assigned him is progressing slowly, it is surely accomplishing the desired results.

In previous messages legislative attention has been called to sundry subjects upon which no action has been taken. Among the most important of these are the creation of an insurance department, the protection and multiplication of our fisheries, and the establishment of a bureau of statistics. With regard to the latter, it is important that the resources of the State should be more thoroughly ascertained and understood than they are at present. The extent and value of our oil, salt, coal and iron fields are unknown, and there is no reliable information to be obtained from any one source concerning the amount of these great staples, and the value of their annual production. The same may be said of all our productions, whether they result from mining, manufactures, agriculture or commerce. There should also be recorded in this proposed bureau all such facts and statistics as are accessible, concerning the condition, wages and treatment of all classes of our working people. Facts on all these and other subjects relative to the business and productions of the State should be collected and properly recorded by an officer appointed for that purpose, and who would not only keep them easily accessible to all persons desirous of using them, but publish them annually for general information. The expense of such a bureau would be insignificant when compared with the advantages to be derived therefrom.

The obnoxious doctrine of free-trade is again raising its hydra-head with a view to destroy, as far as possi-

ble, some of the most important interests of the State and nation; but it is hoped and expected that our Senators and Representatives in Congress will interpose in solid phalanx between its advocates and the accomplishment of their designs.

My opinions, heretofore so fully and freely expressed in relation to a tariff protective of our products and manufacturers, and especially upon salt, coal, iron and steel, remain not only unchanged, but are greatly strengthened by reflection and observation. Any attempt to reduce the protection now afforded cannot but be regarded as an effort to benefit foreign interests at the expense of our Home Industries, and to place our toilers on a par with the ill-paid labor of foreign countries, which must eventuate in the destruction of the very influences which have, since the war, made us so prosperous a people, and laid the foundation of such great individual and national wealth. The available teachings of experience on this important subject should not be unheeded, and legislation on it should be for the welfare of the people and the nation. It should unhesitatingly protect American labor, maintain its compensation, hold out inducements to capitalists for investment, give the producer a home market, and afford the amplest opportunity for the development of the unbounded resources of the country, and not for the benefit of those who are industriously endeavoring to lure our capitalists to financial ruin, and bring about the impoverishment of our mechanics and citizens who are now prosperously engaged in all branches of trade and industry.

An "International Congress on the Prevention and Repression of Crime, including Penal and Reformatory Treatment," has been appointed to be held in London, on the 3d of July, 1872. By resolution of Congress, E. C. Wines, LL. D., has been chosen Commissioner of the United States. The philanthropic objects and

beneficial results contemplated are too numerous to be here set forth. The accompanying documents will furnish all necessary information. Commissioners from nearly every civilized nation are expected to be present, and a number of our own States will, doubtless, be represented. It is suggested, very properly, that the Legislature of Pennsylvania authorize the appointment of one or more commissioners to represent the State in this important Congress.

Upon all national questions the views then entertained and advanced in my last annual message remain unchanged. On this account, together with the belief that Congress will soon dispose of the subjects then discussed, and others that have since been brought prominently before the public, I deem it unnecessary to occupy your time with any especial remarks on the affairs of the nation.

I conclude with a sincere and earnest desire that your session may be characterized by universal kindness and generosity, while on my part I will be pleased to give a cordial concurrence in every measure calculated to advance the interests of our common constituents and the general prosperity of the Commonwealth.

JNO. W. GEARY.

To the Assembly Transmitting a Letter Concerning  
the Picture of the Battle of Gettysburg.

Executive Chamber,  
Harrisburg, January 11, 1872.

Gentlemen:—

I HAVE THE HONOR TO ENCLOSE HEREWITH,  
for information, a copy of a letter just received  
from P. F. Rothermel, Esq., in relation to the  
picture of the "Battle of Gettysburg."

I respectfully invite attention to my views on this  
subject, as expressed in my last annual message, and  
hope the Legislature will make all necessary arrange-  
ments for the reception and custody of the picture.

JNO. W. GEARY.

Philadelphia, January 1, 1872.

To His Excellency John W. Geary,

Governor of Pennsylvania:

Dear Sir:—The picture of the "Battle of Gettysburg," and  
the accompanying smaller pictures painted by order and for  
the State of Pennsylvania, by me, will be ready for delivery  
on or before the 22d day of February, 1872.

I await directions from the proper authorities as to its dispo-  
sition, and trust that a suitable room may be in due time pre-  
pared for its exhibition to our citizens.

Very respectfully,

Your obedient servant,

P. F. ROTHERMEL.

To the Senate Nominating Commissioners of Public  
Charities.

Executive Chamber,  
Harrisburg, January 23, 1872.

Gentlemen:—

ON THE 11TH DAY OF OCTOBER, 1871, I NOMI-  
nated and appointed William Bakewell, subject  
to the advice and consent of the Senate, to be  
a Commissioner of the Board of Public Charities from  
October 11, 1871, to April 8, 1872.

I also nominate and appoint George L. Harrison, subject to the advice and consent of the Senate, to be a Commissioner of the Board of Public Charities, for five years, from December 1, 1871; and

William Bakewell, to be a Commissioner of the Board of Public Charities, for five years, from April 8, 1872.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to an Act Authorizing the Borough of Ormsby, in the County of Allegheny, to Borrow Money, Approved March 12, 1869."

Executive Chamber,  
Harrisburg, February 7, 1872.

Gentlemen:—

**S**ENATE BILL, NO. 14, ENTITLED "A SUPPLEMENT to an act authorizing the borough of Ormsby, in the county of Allegheny, to borrow money, approved March 12, 1869," is herewith returned without approval. Having on the second instant approved the same bill the necessity for approving a duplicate is not apparent.

The slight differences between the two copies in the last two lines, are considered unimportant, being rather verbal than substantial; and having the appearance of carelessness in transcribing.

JNO. W. GEARY.

To the Senate Nominating C. D. Brigham Auditor  
General.

Executive Chamber,  
Harrisburg, March 12, 1872.

Gentlemen:—

**Y**OU ARE HEREBY NOTIFIED, THAT IN COMPLIANCE with the third section of the act, approved 9th April, 1850, I have this day appointed C. D. Brigham, of the county of Allegheny, Auditor General, the commission to take effect on the first Tuesday of May next. This appointment being made to fill the vacancy caused by the death of the late Dr. David Stanton, elected to that office on the second Tuesday of October last. This appointment, though good for three years under existing laws, is subject to the action of the Legislature, and I recommend that provision be made for an election on the second Tuesday of October next; and that the person then chosen may assume his duties on the first Tuesday of May thereafter, in conformity with the provisions of said act.

JNO. W. GEARY.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital.

Executive Chamber,  
Harrisburg, March 13, 1872.

Gentlemen:—

**I** HEREBY NOMINATE AND APPOINT, SUBJECT to the advice and consent of the Senate, in conformity with the requirements of the fifth section of the act of Assembly of the 14th day of April, A. D. 1845, establishing an asylum for the insane poor of

the Commonwealth, the following named persons to be trustees of the Pennsylvania State Lunatic hospital, viz: Jacob C. Bomberger and Dr. George Bailey, of the county of Dauphin, and Charles S. Minor, of the county of Wayne, for the term of three years each, to be computed from the first day February last past.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Cutlan Shoe Sewing Machine Company."

Executive Chamber,  
Harrisburg, March 14, 1872.

Gentlemen:—

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill, No. 154, entitled "An Act to incorporate the Cutlan Shoe sewing machine company."

In the main this bill is in the usual form and unobjectionable. The fifth section, however, I cannot approve. It is as follows, viz: "Said company shall have the right to provide, in the sale of its property, for the retention of a lien thereon for the unpaid purchase money, and right of recaption, notwithstanding the delivery of such property to the purchaser."

Heretofore our laws have been so framed as to disallow and prohibit all secret liens on property, whether real or personal. This is the only way to protect innocent purchasers from imposition and fraud; and I am unwilling to sanction any new departures in the law in this respect. If such a principal were allowable in any case, it should be general as to all our people, rather than in the shape of special legislation in favor of a particular corporation; and least of all to a corporation which has no fixed locality, and reserves the right to change its corporate name whenever it pleases.



I am opposed on principle to permitting companies to change their corporate names by merely filing a paper to that effect with the Secretary of the Commonwealth. Such a provision of itself may not justify the withholding of Executive approval; but the practice is a vicious one, and ought to be discouraged.

JNO. W. GEARY.

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To the Assembly, Giving Notice of the Enactment of a Certain Bill Through the Expiration of the Time for its Return by the Governor, With Comments thereon.

Executive Chamber,  
Harrisburg, March 21, 1872.

Gentlemen:—

**T**HE BILL, NO. 951, OF THE SENATE, ENTITLED “Joint resolution authorizing the State Treasurer to collect, from the United States, certain moneys heretofore improperly paid,” was presented to me for approval on the 8th inst.; and not having been returned to the Senate, in which it originated, within ten days (Sundays excepted) after its presentation, it has, agreeably to the Constitution, become a law in like manner as if it had been signed.

I find myself unable to approve this joint resolution, but have not returned it with my objection, out of respect to the superior wisdom of the Legislature, and because of an unwillingness to even appear to do anything which might prevent a recovery of the money by the State. At the same time I have no faith in either the policy or the success of this effort. The act of Congress of 25th February, 1853, recited in the resolution, was the subject of construction by the Hon. Caleb

Cushing, Attorney General of the United States, soon after its enactment. He held that it applied only to transfers and assignments of claims, in whole or in part, and to powers to receive the money upon such transfers, but not to powers or attorney; and I am aware of no reason to expect a change of views or of practice by the United States on this subject.

Moreover, this proceeding strikes me as discreditable to the State. She appointed an agent, with full powers to settle and collect the money, under both the joint resolution of the Legislature, approved 22d March, 1867, and the act of Congress, approved 27th July, 1861; and that agent received the money; and this resolution, on what at best is a mere technicality, repudiates the authority of the agent to whom the money was actually paid, and demands its re-payment by the United States. In my judgment, the State could better afford to lose the money in question than to place herself in this most questionable attitude.

JNO. W. GEARY.

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To the Assembly Vetoing "A Supplement to an Act, Entitled 'An Act to Incorporate the Dollar Real Estate Loan Association of Allegheny,' Approved 25th May, 1871, Changing Its Name."

Executive Chamber,  
Harrisburg, March 21, 1872.

Gentlemen:—

**T**HE COURTS HAVE AUTHORITY TO CHANGE the names of corporations, under act of 4th April, 1843, and 20th April, 1869, and it is deemed better they should do it, where all parties interested can have notice of the proceedings. The right of the Legislature to exercise jurisdiction in such cases is

questioned, by reason of the prohibition in the ninth section of the eleventh article of the Constitution. For these reasons Senate bill, No. 187, entitled "A supplement to an act, entitled 'An Act to incorporate the Dollar Real Estate loan association of Allegheny,' approved 25th May, 1871, changing its name," is herewith returned without approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Monongahela Savings and Deposit Bank."

Executive Chamber,  
Harrisburg, March 21, 1872.

Gentlemen:—

**H**EREWITH IS RETURNED, WITH OBJECTIONS, Senate bill, No. 188, entitled "An Act to incorporate the Monongahela Savings and Deposit Bank."

This bill is so framed as to authorize the organization of the proposed bank on a paid up capital of only one thousand dollars. This, of itself, would be a fatal objection.

Moreover, no banking or discounting privileges are conferred; and hence the courts have exclusive jurisdiction, under the acts of 12th April, 1859, and 12th April, 1867, and the ninth section of the eleventh article of the Constitution.

JNO. W. GEARY.

To the Senate Nominating Rev. O. H. Miller State Librarian.

Executive Chamber,  
Harrisburg, March 22, 1872.

Gentlemen:—

I HEREBY NOMINATE AND APPOINT REV. O. H. Miller, of the county of Allegheny, State Librarian, (subject the advice and consent of the Senate,) for the term of three years, from the first Monday in February, 1872. This appointment to take effect from and after the first day of April next.

JNO. W. GEARY.

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To the Senate Nominating James P. Wickersham State Superintendent of Public Schools.

Executive Chamber,  
Harrisburg, March 22, 1872.

Gentlemen:—

I HEREBY NOMINATE AND APPOINT PROF. James P. Wickersham, of the county of Lancaster, superintendent of Common Schools, (subject to the advice and consent of the Senate,) for the term of three years from the first Monday of June next.

JNO. W. GEARY.

To the Assembly Vetoing "An Act to Incorporate the Lehighon Savings Bank, to be Located at Lehighon."

Executive Chamber,  
Harrisburg, March 26, 1872.

Gentlemen:—

SENATE BILL, NO. 427, ENTITLED "AN ACT TO incorporate the Lehighon Savings Bank, to be located at Lehighon," is herewith returned with objections.

The twenty-fifth section of the first article of the Constitution declares that:

"No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges without six months previous public notice of the intended application for the same, in such manner as shall be prescribed by law."

In execution of this requirement of the Constitution, the first section of the act of first June, 1839, provides that: "Whenever any citizen, or association of citizens, of this Commonwealth, intend to make application to the Legislature for the creation, renewal or extension of any corporate body with banking or discounting privileges, it shall be their duty to cause a notice of such intended application to be advertised in two newspapers printed in the county in which said corporate body is or is intended to be located, at least once a week in each paper for six months before the meeting of the then next Legislature, and also in one paper printed in the borough of Harrisburg."

Notice of the application seems to have been advertised in three papers, as required, but not for the required period of time. None of the advertisements are dated, to indicate when they were first inserted; and the whole three affidavits are dated on or after the 30th January, 1872, and merely state the notices

were "inserted once a week for six months." This is not a compliance with the requirements of the Constitution and law. The advertisements must be made for the six months preceding the meeting of the Legislature; and neither the Legislature nor the Executive has the power to change the law in this respect.

JNO. W. GEARY.

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To the Senate Concerning Border Claims.

Executive Chamber,

Harrisburg, April 2, 1872.

**I**N ANSWER TO THE RESOLUTION OF THE SENATE relating to the claims for war damages in the border counties of this State, I would say that the accounts of border claimants have not all been adjusted by the delivery of the certificates authorized by the act of last session. As soon as the certificates are all issued, and the accounts can be properly made up, I will at once take measures to press the claims upon the General Government. I do not consider additional legislation necessary on the subject at this time.

JNO. W. GEARY.

To the Senate Nominating John McCurdy Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, April 3, 1872.

Gentlemen:—

I HEREBY NOMINATE, SUBJECT TO THE ADVICE and consent of the Senate, John M'Curdy, Esq., of the county of Cumberland, to be Superintendent of Public Printing, from the fifteenth day of July, A. D. 1872, agreeably to the provisions of the act approved the 9th day of April, A. D. 1856, entitled "An Act relating to public printing."

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Incorporate the Indiana County Deposit Bank."

Executive Chamber,  
Harrisburg, April 2, 1872.

Gentlemen:—

SENATE BILL, NO. 95, ENTITLED "AN ACT TO incorporate the Indiana County Deposit Bank," is herewith returned with my objections.

The twenty-fifth section of the first article of the Constitution, declares that

"No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months' previous public notice of the intended application for the same, in such manner as shall be prescribed by law."

In execution of this clause of the Constitution, the first section of the act of 1st June, 1839, provides as follows:

“Whenever any citizen, or association of citizens of this Commonwealth, intend to make application to the Legislature for the creation, renewal or extension of any corporate body with banking or discounting privileges, it shall be their duty to cause a notice of such intended application to be advertised in two newspapers printed in the county in which such corporate body is, or is intended to be located, at least once a week in each paper for six months before the meeting of the then next Legislature, and also in one paper printed in the borough of Harrisburg.”

On examination, it appears that notice of the application for this bank was duly published in three newspapers in the form required, but not for the “six months before the meeting of the then next Legislature.” The affidavit of notice in the “Indiana Progress” is dated 19th January, 1872, and states that the publication was “for six months preceding this date.” The affidavit to the advertisement in the Indiana Messenger is precisely the same, except that it is dated January 19, 1872; and the advertisement in the Harrisburg Telegraph is dated 14th August, 1871, showing it to have been commenced on that date. When it is remembered that the present session of the Legislature commenced on the second of January, it must be manifest the notices are not such as are required by the Constitution and law of the State; and believing that neither the Legislature nor the Executive can dispense with or shorten the prescribed notice, the bill can not be approved.

JNO. W. GEARY.



To the Assembly Concerning a Certain Bill Alleged  
Not to have Passed When Presented for Executive  
Approval.

Executive Chamber,  
Harrisburg, April 4, 1872.

Gentlemen:—

**B**Y THE ENCLOSED COMMUNICATION IT IS  
represented that Senate bill, No. 656, was never  
passed, though this morning presented to me for  
Executive approval.

I would be glad if the matter could be examined, and  
the facts reported to me.

JNO. W. GEARY.

“House of Representatives,  
“Harrisburg, Pa., April 4, 1872.

“To His Excellency John W. Geary,

“Governor:

“We desire to represent that the bill now in your hands (No. 656, Senate file) for approval, we believe was not considered nor passed in the House, but the same has been improperly and fraudulently transmitted to you, and we ask that you return the same without your approval. We all closely watched for it.

“S. WILSON, Lycoming county.

“C. B. BROCKWAY, Columbia county.

“J. B. LAWSON, Clarion county.

“A. C. NOYES, Clinton county.

“JNO. LAWSHE, Clearfield county.”

Writ for the Submission, to the People, of an Amendment to the Constitution Providing for the Election of the State Treasurer.

Pennsylvania, ss.

[Signed] Jno. W. Geary.



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Common

Sends Greeting:

Whereas, A Joint Resolution proposing an amendment to the Constitution of this Commonwealth, has been agreed to by a majority of the members elected to each House of the Legislature, at two successive sessions of the same, which is as follows:

“Joint Resolution proposing an amendment to the Constitution of Pennsylvania.

“Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment of the Constitution of this Commonwealth be proposed to the people for their adoption or rejection, pursuant to the provisions of the tenth article thereof, to-wit:

“Amendment.

“Strike out the sixth section of the sixth article of the Constitution, and insert in lieu thereof, the following: ‘A State Treasurer shall be chosen by the qualified electors of the State, at such time and for such term of service as shall be prescribed by law.’”

And whereas, It is provided in the tenth article of the Constitution that any amendment, so agreed upon,

shall be submitted to the people in such manner and at such time, at least three months after being so agreed to by the two Houses, as the Legislature shall prescribe:

And whereas, By an act of the General Assembly of this Commonwealth, approved the eleventh day of April, A. D. one thousand eight hundred and seventy-two, it is provided: "That for the purpose of ascertaining the sense of the people of this Commonwealth in regard to the adoption or rejection of said amendment, the Governor of the Commonwealth shall issue a writ of election, directed to each and every Sheriff of this Commonwealth, commanding them to give notice in the usual manner, in not less than two newspapers in each city and county, (if so many are published therein,) and by at least two printed handbills in each election district in every city and county wherein no newspaper is published, that an election will be held at each of the townships, boroughs, wards, precincts and districts therein, on the second Tuesday of October, in the year of our Lord one thousand eight hundred and seventy-two, for the purpose of deciding upon the approval and ratification or rejection of the said amendment; which said election shall be opened, held and closed upon the day last aforesaid, at the places and within the hours, at and within which the general elections of this Commonwealth are directed to be opened, held and closed."

Now, Therefore, In obedience to the requirements of the tenth article of the Constitution, and in compliance with the true intent and meaning of the said act of the General Assembly I, JOHN W. GEARY, Governor of the said Commonwealth of Pennsylvania, do issue this writ, commanding and requiring you the said \_\_\_\_\_ Sheriff of the said county to give notice in the usual manner and as by law required, that an election will be held according to the

terms of the Constitution and the provisions of the act of the General Assembly aforesaid, in each of the townships, boroughs, wards, precincts and districts, therein, on the second Tuesday of October, in the year of our Lord one thousand eight hundred and seventy-two, for the purpose of deciding upon the approval and ratification or rejection of the said amendment.

Given under my Hand and the Great Seal of the State, at Harrisburg, this fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy-two, and of the Commonwealth the ninety-seventh.

By the Governor.

Francis Jordan,

Secretary of the Commonwealth.

### Proclamation of the Election of Delegates to the Constitutional Convention, 1872.

Pennsylvania, ss:

[Signed] Jno. W. Geary.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

#### A PROCLAMATION.



Whereas, It is provided in and by An act of the General Assembly of this Commonwealth, entitled "An act to provide for calling a Convention to amend the Constitution," approved the Eleventh day of April, A. D. 1872, "That the Secretary of the Commonwealth shall as soon as the returns of said election

shall be received by him, and at all events within fifteen days after the election, in the presence of the Governor and Auditor General, open and compute all the returns received of votes given for members of the Convention, and the Governor shall forthwith issue his Proclamation declaring the names of the persons who have been chosen members of the Convention."

And Whereas, the Secretary of the Commonwealth did, on the Twenty-first day of October, A. D. 1872, in the manner provided in the act of the General Assembly aforesaid, open and compute all the returns received of votes given for members of the Convention.

And Whereas it appears by the returns of the General Election held on the second Tuesday of October instant, being the Eighth day of said month, that the names of the persons who have been chosen members of the Convention are as follows, viz: William M. Meredith, J. Gillingham Fell, Harry White, William Lilly, Lin Bartholomew, Hugh N. McAllister, William Davis, James L. Reynolds, Samuel E. Dimmick, George V. Lawrence, William H. Armstrong, David A. White, William H. Ainey, John H. Walker, George W. Woodward, Jeremiah S. Black, Andrew G. Curtin, William J. Baer, William H. Smith, Franklin B. Gowen, John H. Campbell, Samuel H. Reynolds, James Ellis, Samuel C. T. Dodd, George M. Dallas, Robert A. Lamber-ton, Andrew A. Purman and William S. Corbett Delegates-at-Large to said Convention. Henry C. Carey, Edward C. Knight, John Price Werberill, Lewis C. Cassidy, James H. Heverin and Theodore Cuyler Delegates-at-Large from the city of Philadelphia.

From the First Senatorial District in the city of Philadelphia John Bardsley, James W. M. Newlin and George W. Biddle.

From the Second Senatorial District in the city of Philadelphia John E. Addicks, William B. Hanna and John R. Read.

From the Third Senatorial District in the city of Philadelphia M. Hall Stanton and William E. Littleton; and in this District the official return made to the Secretary of the Commonwealth by the return judges shows the election of R. E. Shapley by a majority of two hundred and forty-one over Benjamin Temple, whilst the certified copy of the returns filed in the office of the Prothonotary shows the election of Benjamin S. Temple by a majority of two hundred and forty over R. E. Shapley, and hence I am unable to proclaim or declare either of these two persons elected.

From the Fourth Senatorial District in the city of Philadelphia, William D. Baker, J. Alexander Simpson and Edward R. Worrell.

From the Fifth Senatorial District composed of the counties of Chester and Delaware, John M. Broomall, William Darlington and Joseph Hemphill.

From the Sixth Senatorial District composed of the county of Montgomery, James Boyd, Charles Hunsicker and George N. Corson.

From the Seventh Senatorial District composed of the counties of Bucks and Northampton, Charles Brodhead, George Ross and George Lear.

From the Eighth Senatorial District composed of the county of Berks, George G. Barelay, Henry W. Smith and Henry Van Reed.

From the Ninth Senatorial District composed of the county of Lancaster, David W. Patterson, Henry Carter and Henry G. Smith.

From the Tenth Senatorial District composed of the county of Schuylkill, Joel B. McCamant, John M. Wetherill and Thomas R. Bannan.

From the Eleventh Senatorial District composed of the counties of Lehigh and Carbon, Charles M. Runk, Zachariah Long and Edward Harvey.

From the Twelfth Senatorial District composed of the counties of Dauphin and Lebanon, Josiah Funck, Wayne MacVeagh and Hamilton Alricks.

From the Thirteenth Senatorial District composed of the counties of Luzerne, Monroe and Pike, Henry S. Mott, Gideon W. Palmer, Abraham B. Dunning, Daniel L. Rhone, Henry W. Palmer and Lewis Pughe.

From the Fourteenth Senatorial District, composed of the counties of Bradford, Susquehanna, Wayne and Wyoming, George F. Horton, William J. Turrell and Joseph G. Patton.

From the Fifteenth Senatorial District composed of the counties of Columbia, Lycoming, Montour and Sullivan, John J. Metzger, John G. Freeze and Henry C. Parsons.

From the Sixteenth Senatorial District composed of the counties of Cameron, McKean, Potter and Tioga. John S. Mann, Jerome B. Niles and Mortimer F. Elliott.

From the Seventeenth Senatorial District composed of the counties of Snyder, Perry, Northumberland and Union, Joseph Bailey, Levi Rooke and John P. Cronmiller.

From the Eighteenth Senatorial District composed of the counties of Clinton, Cambria, Clearfield and Elk, George A. Aughinbaugh, John G. Hall and Ashel C. Finney.

From the Nineteenth Senatorial District composed of the counties of Cumberland and Franklin, Samuel M. Wherry, J. McDowell Sharpe and John Stewart.

From the Twentieth Senatorial District composed of the counties of Adams and York, William McClean, John Gibson and Thomas E. Cochran.

From the Twenty-first Senatorial District composed of the counties of Bedford, Fulton, Blair and Somerset, Samuel L. Russell, James W. Curry and Augustus S. Landis.

From the Twenty-second Senatorial District composed of the counties of Centre, Juniata, Mifflin and Huntingdon, John M. Bailey, Andrew Reed and John McCulloch.

From the Twenty-third Senatorial District composed of the county of Allegheny, Thomas MacConnell, Samuel A. Purviance, Thomas Ewing, John W. F. White, Matthew Edwards, Thomas Howard, Malcolm Hay, John B. Guthrie and Thomas H. B. Patterson.

From the Twenty-fourth Senatorial District composed of the counties of Indiana and Westmoreland, Daniel S. Porter, Andrew M. Fulton and Silas M. Clark.

From the Twenty-fifth Senatorial District, composed of the counties of Fayette and Greene, Daniel Kaine, Charles A. Black and John Collins.

From the Twenty-sixth Senatorial District, composed of the counties of Beaver, Butler and Washington, John A. Purviance, Thomas R. Hazzard and William Hopkins.

From the Twenty-seventh Senatorial District composed of the counties of Clarion, Armstrong, Jefferson and Forest, George W. Andrews, John McMurray and John Gilpin.

From the Twenty-eighth Senatorial District composed of the counties of Lawrence, Mercer and Venango, David Craig, Manley C. Beebe and Robert M. De France.

From the Twenty-ninth Senatorial District, composed of the county of Crawford, Frank Mantor, Samuel Minor and Pearson Church.

From the Thirtieth Senatorial District composed of the counties of Erie and Warren, Thomas Struthers, Charles O. Bowman and Rasselas Brown.

Now Therefore, I, JOHN W. GEARY, Governor as aforesaid, have issued this my proclamation hereby publishing and declaring that the persons hereinbefore named have been returned as duly elected Delegates from the State at large; Delegates-at-large from the city of Philadelphia, and as Delegates from the different Senatorial Districts of the State as hereinbefore re-



cited, and are the names of the persons who have been chosen members of the Convention to assemble in the Hall of the House of Representatives, at the State Capitol in Harrisburg, on the second Tuesday, being the twelfth day of November, A. D. 1872, at Twelve o'clock M. on that day, to revise and amend the Constitution of this State in accordance with the provisions of the aforesaid act of the General Assembly of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twenty-second day of October, in the year of our Lord one thousand eight hundred and seventy-two, and of the Commonwealth the ninety-seventh.

By the Governor:

Francis Jordan,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress.—  
1872.

Pennsylvania, ss:



wealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

## A PROCLAMATION.



Whereas, in and by an act of the General Assembly of this Commonwealth, approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, entitled "An act relating to the elections of this Commonwealth," it is made the duty of the Governor, on the receipt of the returns of the election of members of the House of Representatives of the United States, by the Secretary of the Commonwealth, to declare, by proclamation, the names of the persons returned as elected in the respective districts:

And Whereas, by acts of Congress of the United States, approved the second day of February, one thousand eight hundred and seventy-two, and the thirtieth day of May, one thousand eight hundred and seventy-two, the State of Pennsylvania became entitled to twenty-seven representatives in the House of Representatives of the said Congress of the United States, being an increase of three over the number said State was previously entitled to, and the Legislature of said State having failed to provide for the election of the three additional representatives, they were in compliance with the provisions of said acts of Congress, elected by the State at large.

And Whereas, the returns of the General Election held on Tuesday the eighth day of October last past, for representatives of the people of this State in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act of the General Assembly of this State whereby it appears that in the State at large Lemuel Todd, Charles Albright and Glenni W. Scofield, have been duly elected.

In the First District, composed of the Second, Third, Fourth, Fifth, Sixth and Eleventh wards of the city of Philadelphia, Samuel J. Randall has been duly elected.

In the Second District, composed of the First, Seventh, Eighth, Ninth, Tenth, and Twenty-sixth wards of the city of Philadelphia, Charles O'Neill has been duly elected.

In the Third District, composed of the Twelfth, Thirteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth wards of the city of Philadelphia, Leonard Myers has been duly elected.

In the Fourth District, composed of the Fourteenth, Fifteenth, Twentieth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth wards of the city of Philadelphia, William D. Kelley has been duly elected.

In the Fifth district, composed of the Twenty-second, Twenty-third and Twenty-fifth wards of the city of Philadelphia and the county of Bucks, Alfred C. Harner has been duly elected;

In the Sixth District, composed of the counties of Lehigh and Montgomery, James S. Biery has been duly elected;

In the Seventh District, composed of the counties of Chester and Delaware, Washington Townsend has been duly elected.

In the Eighth District, composed of the county of Berks, Hiester Clymer has been duly elected.

In the Ninth District, composed of the county of Lancaster, A. Herr Smith has been duly elected.

In the Tenth District, composed of the counties of Lebanon and Schuylkill, John W. Killinger has been duly elected.

In the Eleventh District, composed of the counties of Carbon, Monroe, Northampton, Pike and Wayne, John B. Storm has been duly elected.

In the Twelfth District, composed of the counties of Luzerne and Susquehanna, Lazarus D. Shoemaker has been duly elected.

In the Thirteenth District, composed of the counties of Bradford, Wyoming, Sullivan, Montour and Columbia, James D. Strawbridge has been duly elected.

In the Fourteenth District, composed of the counties of Dauphin, Juniata, Northumberland, Snyder and Union, John B. Packer has been duly elected.

In the Fifteenth District, composed of the counties of Cumberland, Perry and York, John A. Magee has been duly elected.

In the Sixteenth District, composed of the counties of Adams, Bedford, Franklin, Fulton and Somerset, John Cessna has been duly elected.

In the Seventeenth District, composed of the counties of Blair, Cambria, Huntingdon and Mifflin, R. Milton Speer has been duly elected.

In the Eighteenth District, composed of the counties of Centre, Clinton, Lycoming, Potter and Tioga, So-bieski Ross has been duly elected.

In the Nineteenth District, composed of the counties of Cameron, Clearfield, Elk, Erie, Forest, Jefferson, McKean and Warren, Carlton B. Curtis has been duly elected.

In the Twentieth District, composed of the counties of Clarion, Crawford, Mercer and Venango, Hiram L. Richmond has been duly elected.

In the Twenty-first District, composed of the counties of Fayette, Indiana and Westmoreland, Alexander W. Taylor has been duly elected.

In the Twenty-second District, composed of that part of Allegheny county south of the Ohio and Allegheny rivers and including Nevil Island, James S. Negley has been duly elected.

In the Twenty-third District, composed of that part of Allegheny county north of the Ohio and Allegheny

rivers, and Butler and Armstrong counties, Ebenezer McJunkin has been duly elected.

In the Twenty-fourth District, composed of the counties of Beaver, Greene, Laurence and Washington, William S. Moore has been duly elected.

Now Therefore, I, JOHN W. GEARY, Governor as aforesaid, have issued this, my Proclamation hereby publishing and declaring that Lemuel Todd, Charles Albright, Glenni W. Scofield, Samuel J. Randall, Charles O'Neill, Leonard Myers, William D. Kelley, Alford C. Harmer, James S. Biery, Washington Townsend, Heister Clymer, A. Herr Smith, John W. Killinger, John B. Storm, Lazarue D. Shoemaker, James D. Strawbridge, John B. Packer, John A. Magee, John Cessna, R. Milton Speer, Sobieski Ross, Carlton B. Curtis, Hiram L. Richmond, Alexander W. Tayler, James S. Negley, Ebenezer McJunkin and William S. Moore have been returned as duly elected, the first named three in the State at large, and the remaining twenty-four in the several districts before mentioned, as representatives of the people of this State, in the House of Representatives of the Congress of the United States, for the term of two years, to commence from and after the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and seventy-two, and of the Commonwealth the ninety-seventh.

JNO. W. GEARY.

By the Governor.

Francis Jordan,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving.—1872.

Pennsylvania, ss:

[Signed] Jno. W. Geary.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. JOHN W. GEARY, Gov-  
ernor of the said Common-

#### THANKSGIVING PROCLAMATION.



Believing in the Lord, our covenant God, in whom our fathers trusted, and in His controlling providence over the affairs of men and nations, public acknowledgments of His goodness and of our constant dependence upon Him, are eminently becoming an enlightened and civilized people.

Now, Therefore, impressed with these sentiments, in pursuance of a revered custom, and in conformity with the Proclamation of Ulysses S. Grant, President of the United States, recommending that Thursday, the twenty-eighth day of November next, be set apart as a day of Praise, Prayer and Thanksgiving, I, John W. Geary, Governor of the Commonwealth of Pennsylvania, do most respectfully request the citizens of this State to observe that day as such with all due respect and solemnity. Let thanks be given to Almighty God that He has bestowed upon us all the common blessings of life, given us health, and relieved us from pestilence; that labor is abundantly rewarded; that we have no dread of impending famine, or fear of industrial or commercial distress; that the arts, sciences, general education, and the sentiments of peace and good will are steadily advancing. Let us be especially thankful, for the Great Privileges of American Citizen-

ship; for the untrammelled expression of opinion; that our political rights still remain safe under beneficent laws, and in the hands of an order-loving people; and that "equal and exact justice" is vouchsafed to all. For these and for all other civil, social and religious blessings we enjoy, let us yield the sincere tribute of grateful hearts, and humbly beseech their continuance.

Given under my Hand and the Great Seal of the State, at Harrisburg, this twenty-eighth day of October, in the year of our Lord, one thousand eight hundred and seventy-two, and of the Commonwealth, the ninety-seventh.

JNO. W. GEARY.

By the Governor.

Francis Jordan,

Secretary of the Commonwealth

Proclamation of the Election of Ulysses Mercur as  
Judge of the Supreme Court.

Pennsylvania, ss:



wealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-



Whereas, In and by an act of the General Assembly of this Commonwealth, entitled "An act to provide for the election of judges of the several courts of this Commonwealth, and to regulate certain judicial districts," approved the fifteenth day of April, A.

D. one thousand eight hundred and fifty-one, it is en-

acted and provided as follows, viz: "Section 9. That on the first Tuesday of November next following any election authorized by this act, the Secretary of the Commonwealth shall, in the hall of the House of Representatives, in the presence of the Governor and such other citizens of this Commonwealth as may choose to attend, cause the returns made to him under the provisions hereof to be opened, and the votes cast for judges of the Supreme Court to be accurately computed, and the Governor shall forthwith issue his proclamation declaring so many of the persons voted for for judges of the Supreme Court as shall be required to be elected by this act, and who have received the greatest number of votes, to be duly elected."

And Whereas, The Secretary of the Commonwealth did, at the time and place, and in the manner provided by the act aforesaid, cause the returns of the election made to him to be opened, and the votes cast for Judge of the Supreme Court to be accurately computed, whereupon it appeared that Ulysses Mercur received the greatest number of votes of the persons voted for to fill the office of Judge of the Supreme Court.

Now Therefore, In obedience to the requirements of the above recited ninth section of the act of the General Assembly aforesaid, I, JOHN W. GEARY, Governor aforesaid, do hereby issue this my Proclamation, publishing and declaring that, of the persons voted for Judge of the Supreme Court of this Commonwealth, at the late general election, held on the second Tuesday of October last past, Ulysses Mercur having received the greatest number of votes has been duly elected a Judge of the Supreme Court of this Commonwealth, for the period of fifteen years from the first Monday of December next.

Given under my Hand and the Great Seal of the State, at Harrisburg, this fifth day of November, in the year of our Lord one thousand eight hundred and sev-



enty-two, and of the Commonwealth the ninety-seventh.

JNO. W. GEARY.

By the Governor.

F. Jordan,

Secretary of the Commonwealth.

Proclamation of the Election of Harrison Allen as  
Auditor General of the Commonwealth.

Pennsylvania, ss:



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylvan-  
ia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

A PROCLAMATION.

Whereas, In and by the third section of an act of the General Assembly of this Commonwealth which became a law on the thirtieth day of March, Anno Domini one thousand eight hundred and seventy-two, entitled "An act supplementary to an act relative to the election of Auditor General, Surveyor General and County Surveyors by the people," approved the 9th day of April, A. D. 1850, it is enacted and provided that whenever an election to fill a vacancy in the office of Auditor General shall be held, it shall be the duty of the Secretary of the Commonwealth, on the first Tuesday of November next ensuing after such election, in the presence of the Governor, Attorney General and



Auditor General, and of such other citizens as desire to be present, to open and count the returns of said tion; and it is further provided that the Governor shall by proclamation, declare the name of the person thus duly elected:

And Whereas, The Secretary of the Commonwealth did, at the time and in the manner provided by the third section of the act aforesaid, open and count the returns of the late election for Auditor General, whereupon it appeared that Harrison Allen received the greatest number of votes of the persons voted for to fill the vacancy in the said office of Auditor General.

Now Therefore, In obedience to the requirements of the said third section of the aforesaid act of the General Assembly, I, JOHN W. GEARY, Governor of the said Commonwealth, do hereby issue this my Proclamation, publishing and declaring that of the persons voted for for Auditor General of this Commonwealth, at the late General Election, held on the second Tuesday of October last past, Harrison Allen having received the greatest number of votes has been duly elected Auditor General in accordance with the provisions of the aforesaid act of the General Assembly.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Fifth day of November, in the year of our Lord one thousand eight hundred and seventy-two, and of the Commonwealth the ninety-seventh.

JNO. W. GEARY.

By the Governor.

F. Jordan,

Secretary of the Commonwealth.

Proclamation of the Election of Electors of President  
and Vice President.—1872.

Pennsylvania, ss:

[Signed] Jno. W. Geary.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

A PROCLAMATION.

Whereas, In and by an act of the General Assembly, entitled "An act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Secretary of the Commonwealth, on receiving the returns of the election of Electors of President and Vice President of the United States, to lay them before the Governor, who shall enumerate and ascertain the number of votes given for each person voted for, and shall thereupon declare by proclamation the names of the persons duly elected:

And whereas, It appears from the returns so laid before me by the Secretary of the Commonwealth, of the election held on Tuesday the fifth day of November, one thousand eight hundred and seventy-two, that Adolph E. Borie, John M. Thompson, Wm. D. Forten, Joseph A. Bonham, Marcus A. Davis, George Morrison Coates, Henry Bumm, Theodore M. Wilson, John M. Bromall, Francis Shroder, Mark H. Richards, Edward H. Green, David K. Shoemaker, Daniel R. Miller, Leander M. Morton, Theodore Strong, John Passmore, William J. Colegrove, Jesse Merrill, Henry Orlady, Rob

ert Bell, Jasper M. Thompson, Isaac Frazer, George W. Andrews, Henry Lloyd, John J. Gillespie, James Patterson, John W. Wallace and Charles C. Boyd received the greatest number of votes of the persons voted for as Electors of President and Vice President of the United States.

Now Therefore, I, JOHN W. GEARY, Governor as aforesaid, in obedience to the requirements of the aforesaid act of the General Assembly, do hereby issue this my Proclamation, publishing and declaring that the said Adolph E. Borie, John M. Thompson, Wm. D. Forten, Joseph A. Bonham, Marcus A. Davis, George Morrison Coates, Henry Bumm, Theodore M. Wilson, John M. Bromall, Francis Shroder, Mark H. Richards, Edward H. Green, David K. Shoemaker, Daniel R. Miller, Leander M. Morton, Theodore Strong, John Passmore, William J. Colegrove, Jesse Merrill, Henry Or lady, Robert Bell, Jasper M. Thompson, Isaac Frazer, George W. Andrews, Henry Lloyd, John J. Gillespie, James Patterson, John W. Wallace and Charles C. Boyd are the persons duly elected Electors of a President and Vice President of the United States, to serve at the election in that behalf to be held at the seat of Government of this State, (being the city of Harrisburg, in the county of Dauphin,) on the first Wednesday of December next, being the fourth day of said month, agreeably to the said act of the General Assembly of this Commonwealth, and the Constitution and laws of the United States.

Given under my Hand and the Great Seal of the State at Harrisburg this Fifteenth day of November, in the year of our Lord one thousand eight hundred and seventy-two, and of the Commonwealth the ninety-seventh.

JNO. W. GEARY.

By the Governor.

Francis Jordan,

Secretary of the Commonwealth.

Proclamation of the Cancellation of Two Million Four Hundred and Seventy Six Thousand Two Hundred and Thirteen Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.


Pennsylvania, ss:



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN W. GEARY, Governor of the said Common-

A PROCLAMATION.



Whereas, By the Third Section of the Act of the General Assembly of this Commonwealth approved the Twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight, entitled "An act to establish a Sinking Fund for the Payment of the Public Debt" and by the Supplement thereto, approved the Tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly to report annually and certify to the Governor, the amount received under the said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his Proclamation stating the fact, and the extinguishment and final discharge of so much of the principal of said debt:

And whereas, Francis Jordan, John F. Hartrauft

and Robert W. Mackey, Esquires, the Commissioners of the Sinking Fund, in obedience to the requirements of law Report and Certify to me, That the amount of the Debt of the Commonwealth of Pennsylvania redeemed and held by them from the first day of December, Anno Domini one thousand eight hundred and seventy-one, to and including the thirtieth day of November, Anno Domini one thousand eight hundred and seventy-two, amounts to Two millions four hundred and seventy-six thousand two hundred and thirteen dollars and fifty cents, made up as follows:

Four and a half per cent. loan redeemed,	\$25,000 00
Five per cent loan redeemed, . . . . .	282,973 69
Six per cent. loan redeemed, . . . . .	2,168,141 81
Relief notes cancelled, . . . . .	98 00
	\$2,476,213 50

Now Therefore, As required by the third section of the act of the General Assembly first above mentioned I, JOHN W. GEARY, Governor as aforesaid, Do hereby issue this my Proclamation, Declaring the Payment, Cancellation, Extinguishment and Final Discharge of Two millions, four hundred and seventy-six thousand, two hundred and thirteen dollars and fifty cents of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this Sixth day of December, in the year of our Lord one thousand eight hundred and seventy two, and of the Commonwealth the ninety-seventh.

JNO. W. GEARY.

By the Governor.

Francis Jordan,

Secretary of the Commonwealth.

Proclamation of the Election of Frank C. Bunnell as  
a Representative in the United States Congress.

Pennsylvania, ss:

[Signed] Jno. W. Geary.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

A PROCLAMATION.

Whereas, in and by the forty-second section of An act of the General Assembly of this Commonwealth, approved the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An act relating to the elections of this Commonwealth," it is provided that when the returns of any special election for a Member of the House of Representatives of the United States shall be received by the Secretary of the Commonwealth, the Governor shall declare by proclamation the name of the person elected:



DOCUMENTS RELATING TO THE PROCLAMATION.

Continental Hotel,  
Phila., Dec. 2d, 1872.

Gov. Jno. W. Geary,

Dear Sir:

Many of the leading Republicans of my District are opposed to electing a Representative to fill the small portion of this term made vacant by my resignation.

If however you think the law makes it obligatory upon you to issue your proclamation for an election, I respectfully suggest and recommend that you designate the third Friday in January (the 17th), being the day of the Township Elections in Bradford County. This will secure a much larger vote than upon any previous day, besides saving the expense of a separate election for nearly one-half of the people of my district.

No election could reasonably take place which will permit the new member to take his seat before the Holidays. So it will make two or three weeks only difference.

I remain

Yours truly,

ULYSSES MERCUR.

And Whereas, the return of a special election held in the Thirteenth Congressional District of this Commonwealth, composed of the counties of Bradford, Columbia, Montour, Sullivan and Wyoming, on Tuesday, the Twenty-fourth day of December, last past, under the authority of writs issued in conformity with provisions of the Constitution of the United States and the above recited act of the General Assembly, have been received by the Secretary of the Commonwealth, whereby it appears that Frank C. Burnell was duly elected to serve as a representative of the people of this State in the House of Representatives of the Forty-second Congress of the United States, to supply the vacancy occasioned by the resignation of Hon. Ulysses Mercur.

Now Therefore, I, JOHN W. GEARY, Governor as aforesaid, have issued this my Proclamation, hereby publishing and declaring, that the said Frank C. Burnell was duly elected and chosen, in the District before mentioned, as a representative of the people of this State in the House of Representatives of the said Forty-second Congress of the United States, in room of the Hon. Ulysses Mercur resigned.

Given under my Hand and the Great Seal of the State, at Harrisburg this second day of January, in the year of our Lord one thousand eight hundred and seventy-three and of the Commonwealth the ninety-seventh.

By the Governor.

F. Jordan,

Secretary of the Commonwealth.



## Documents Relating to the Proclamation.

Pennsylvania, ss:

[Signed] Jno. W. Geary.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

To Jeremiah Mooney, High Sheriff of the County of  
Sullivan:

Sends Greeting:

Whereas, A vacancy has happened  
in the representation of this State in  
the House of Representatives of the  
Congress of the United States, in con-  
sequence of the resignation of the  
Hon. Ulysses Mercur, who had been  
elected a member of the Forty-second  
Congress from the Thirteenth Congressional district  
of this State, composed of the counties of Bradford,  
Wyoming, Sullivan, Montour and Columbia;

Now Therefore, In pursuance of provisions in such  
cases made and provided by the Constitution of the  
United States, and of an act of the General Assem-  
bly of this State, entitled "An act relating to the elec-  
tions of this Commonwealth," approved the second day  
of July, A. D. eighteen hundred and thirty-nine, I,  
JOHN W. GEARY, being vested with the executive  
authority of the State of Pennsylvania, have issued  
this writ, hereby commanding you the said Jeremiah  
Mooney, High Sheriff as aforesaid, to hold an election  
in the said county of Sullivan, on Tuesday the twenty-  
fourth day of December in the year of our Lord one  
thousand eight hundred and seventy-two, for choosing  
a representative of the people of this Commonwealth



in the House of Representatives of the Congress of the United States to fill the vacancy which has happened as aforesaid.

And you are hereby required and enjoined to give lawful notice, and cause to be held and conducted, the said election, and make a return thereof in manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State, at Harrisburg, this third day of December, in the year of our Lord one thousand eight hundred and seventy-two, and of the Commonwealth the ninety-seventh.

By the Governor.

F. Jordan,

Secretary of the Commonwealth.

(A similar writ issued same day to the sheriffs of Bradford, Wyoming, Montour and Columbia counties.)

Annual Message to the Assembly.—1873.

Executive Chamber,

Harrisburg, January 8, 1873.

Gentlemen:

**I**N OBEDIENCE TO THE REQUIREMENTS OF the Constitution I have the honor of transmitting to you my sixth annual message. Since your last meeting the general course of events, both State and National, has been so propitious as to afford abundant cause for mutual congratulation, and of thanksgiving to that Almighty Providence whose will controls the destinies of all. While we have been exempt from the calamity by fire that has befallen the metropolis of a great sister State, her misfortune has inured to the benefit of our people by the enlistment of that sympathy for the suffering which is one of

the most ennobling sentiments of the human heart. The seasons, though not so favorable for the productions of our soil as in some past years, have been sufficiently fruitful; and no general epidemic has appeared to disturb the pursuits, or fill with sorrow the hearts of our population. Our mining industries, manufactures and internal commerce are being constantly enlarged and extended, and their enterprising proprietors are generally receiving remunerative returns.

A great political conflict has occurred, resulting in a signal triumph of the same principles that were asserted in the restoration of the Union, the amendments of the Constitution, and the reconstruction of the States. The victory in Pennsylvania was decisive of the victory of the Nation; and will ever be remembered as an inestimable contribution to the harmony, prosperity and glory of the country. The election of the soldier, who "is first in war," to the office that makes him "first in peace," was an appropriate exhibition of national gratitude, and inspires the deepest feelings of satisfaction "in the hearts of his countrymen."

While the Constitution wisely withholds from the Governor all power of interference in legislation, it imposes upon him the duty of laying before the General Assembly such information of the state of affairs, and recommending to their consideration such measures as he may deem expedient and important to the public welfare.

I am happy to inform you that peace and good order have been maintained by the enforcement of just and equal laws, and the legitimate exercise of authority continues to find an enduring basis of support in the intelligence, affections and moral sense of the people.

## FINANCES.

The credit of the State remains unquestioned abroad, because her public faith has been inviolably maintained at home. The following condensed statement of the receipts, expenditures and indebtedness of the Commonwealth is respectfully submitted:

## RECEIPTS.

Balance in Treasury November 30, 1871, .....	\$1,476,808 59
Ordinary receipts during the fiscal year ending November 30, 1872, .....	7,148,637 45
<hr/>	
Total in Treasury during year end- ing November 30, 1872, .....	\$8,625,446 04

## DISBURSEMENTS.

Ordinary expenses paid during year ending November 30, 1872, .	\$2,960,631 55
Loans, etc., redeemed, .	2,476,326 00
Interest on loans paid, .	1,706,032 88
<hr/>	
Total disbursements, .....	\$7,142,990 43
<hr/>	
Balance in Treasury November 30, 1872, .....	\$1,482,455 61
<hr/> <hr/>	

## PUBLIC DEBT.

The public debt on No- vember 30, 1871, was,	\$28,980,071 73
Add Chambersburg cer- tificates, .....	299,748 91
Add Agricultural Col- lege Land Scrip fund, held in trust, as per act approved April 3, 1872, .....	500,000 00
<hr/>	
	\$29,779,820 64

Deduct amount paid by Commissioners of the Sinking Fund during the year ending November 30, 1872, . . . .	2,476,326 00
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Public debt, November 30, 1872, . . . . .	\$27,303,494 64
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Deduct assets in sinking fund, . . . . .	\$9,300,000 00
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And cash balance in Treasury, . . . . .	1,482,455 61
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Amount of assets and cash, . . .	\$10,782,455 61
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Balance of public debt unprovided for, . . . . . \$16,521,039 03  
 which can be extinguished in ten years by the annual payment of one million six hundred thousand dollars.

During the last six years payments on the debt have been made as follow:

Amount paid in 1867, . . . . .	\$1,794,644 50
Amount paid in 1868, . . . . .	2,414,816 64
Amount paid in 1869, . . . . .	472,406 18
Amount paid in 1870, . . . . .	1,702,879 05
Amount paid in 1871, . . . . .	2,131,590 17
Amount paid in 1872, . . . . .	2,476,326 00

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Total payments, . . . . .	\$10,992,662 54
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Being a little over twenty-nine per cent. on the debt due December 1, 1866, which was then \$37,704,409.77.

#### SINKING FUND.

In remarking upon this subject, I trust it will be instructive to refer, briefly, to some of the facts relating to the accumulation and payment of the public debt, and the origin of the assets arising from the sale of the public improvements.

However wise our predecessors were in opening avenues for trade and commerce, and however great

were the benefits resulting to the people from the internal improvements of the State, it is obvious, that while those of other States failed to become sources of revenue, the management of ours was such as to produce results widely different. A large majority of the tax-payers, therefore, after long and patient endurance, becoming dissatisfied with their management, demanded they should be sold; assuming it would be a measure of economy, and would prevent an increase of the public obligations.

The construction of the improvements resulted in a public debt, which, in 1852, reached its maximum, \$41,524,875.37. The interest, premiums and other expenses that have been paid upon the debt, from its incipency to November 30, 1872, sum up \$76,845,744.99; and make the entire expenditure on account of the public works, \$118,370,620.36.

In pursuance of law the State canals and railroads were sold in 1857, for eleven million dollars in bonds; upon which the State has received \$1,700,000.00 in cash, and \$9,300,000.00 remain in the hands of the Commissioners of the Sinking Fund, as follows, viz:

Bonds of the Pennsylvania Railroad Company, secured by lien on the Philadelphia and Columbia Railroad,	\$5,800,000 00
Thirty-five bonds of the Allegheny Valley Railroad Company, each for \$100,000, guaranteed by the Pennsylvania Railroad Company, Northern Central Railway Company, and the Philadelphia and Erie Railroad Company, payable \$100,000 annually, beginning January, 1875, bearing 5 per cent. interest from January 1, 1872, .....	3,500,000 00
	<hr/>
Amount of assets, .....	\$9,300,000 00
	<hr/> <hr/>

## REMARKS ON THE FOREGOING FINANCIAL STATEMENTS.

The proper and efficient management of the finances is one of the most important duties of the administration of the State government. The collection of the revenue; the economical expenditure; the safe keeping of the public moneys, and well-guarded appropriation bills, are always questions of deep interest to the taxpayers of the State.

It is a lasting honor to the people of Pennsylvania, that they have never, even when struggling under the most oppressive burdens, permitted the integrity of the State to be doubted, and now it cannot be otherwise than gratifying to them, to learn the rapid extinguishment of the public indebtedness, the greater part of which was incurred for improvements, which, as herein already shown, utterly failed to be advantageous to her coffers.

The rapid reduction of the State debt, and the reduction of taxation, have gone hand in hand throughout my entire administration, and have constituted a marked portion of its policy, attesting, at the same time, the concurrence and wisdom of the Legislature, and the fidelity of those who have been the custodians of the public funds.

This policy should be continued, and no attempt to cover up or conceal the actual expenses of the government should be made for the purpose of obtaining the people's consent to appropriations, or enterprises of doubtful propriety; which propositions, if coupled with a condition to raise the money by immediate and direct taxation, would be unhesitatingly rejected.

The Legislative appropriations, during the last six years, made in aid of the various institutions for the support of the deaf, dumb, blind, insane, feeble-minded, friendless, wanderers, orphans, soldiers' homes, hospitals, universities, houses of correction, peniten-

tiaries, and the payment of military expenses, incurred during the war; expenses of government, common schools, and soldiers' orphans' schools, amount to about \$17,000,000.00.

The expenses of the soldiers' orphans' schools alone, during the same time, is \$3,467,543.11, and, although it is a most noble and patriotic expenditure, it is, nevertheless, an unusual one, and if such a necessity had not existed, the reduction of the State debt during their existence, would have been nearly fifteen million dollars.

During the past six years, the current of legislation has been steadily in favor of reduced taxation. Not only have numerous local laws been enacted, exempting churches, cemeteries, schools, hospitals and other institutions from taxation, but many general laws of the same character have been passed, as is shown by the following enumeration:

By the "act to amend the revenue laws," approved February 23, 1866, all real estate in the Commonwealth was thereafter made exempt from taxation for State purposes.

By the act approved March 30, 1866, all persons who served nine months or upwards in the military service, or who were honorably discharged therefrom by reason of wounds or physical disability contracted therein, and their property, were exonerated from all bounties, and per capita tax and military fines.

The act of April 29, 1867, repealed all laws requiring payment of taxes to the State on sales of loans and stocks by auctioneers.

By the act of April 10, 1867, all trustees, or owners of property to the value of thirty-five thousand dollars, used for soldiers' orphans' schools, were exempted from all "county, road, city, borough, poor and school taxes."

By the act of April 4, 1868, and the supplements



thereto, "all mortgages, judgments, recognizances, and moneys owing upon articles of agreement for the sale of real estate," were made "exempt from all taxation, except for State purposes."

By act approved January 3, 1868, all laws therein recited were repealed, which imposed taxes upon "the shares of stock held by any stockholder in any institution or company, incorporated under the laws of this State, which in its corporate capacity is liable to, and pays into the State Treasury the tax on capital stock imposed" by the acts therein recited.

The act of June 2, 1871, repealed so much of the law of April 29, 1844, as imposed a tax of two per cent. on salaries, trades, offices, occupations and professions.

And by the act of April 3, 1872, the sixth section of the law of April 21, 1854, was repealed, which imposed a tax of one-half of one per cent. on the capital stock of all corporations created under laws "to enable joint tenants, tenants in common, and adjoining owners of mineral lands, to manage and develop the same."

In view of these facts, the practical questions now are, can any further reductions be properly made? And if so, on what subjects?

Heretofore on several occasions I have invited the attention of the Legislature to the importance of adopting a more liberal policy towards those citizens who are engaged in industrial enterprises which employ large numbers of workingmen, and tend to develop the resources of the Commonwealth. Involving great risks, and requiring for their successful conduct a large amount of capital, these operations have been, in the main, conducted by means of associations, organized under the general laws which regulate the incorporation of manufacturing, mining and improvement companies. These laws, while they resemble in their principal features the liberal systems in force in other States, fail in their ostensible purpose of en-

couraging manufacturing industry, because the privileges they grant are enormously burdened with taxation.

This may be illustrated, by supposing the case of twenty persons, who each subscribe five thousand dollars to the stock of a company organized for the purpose of producing oil, or mining ore or coal, or manufacturing cotton or woolen goods, iron or steel, or any other commodity. The fund thus created must be expended in lands, buildings and permanent improvements, which are taxable for all purposes to the same extent as if they were owned by an individual operator. In addition to this the company must pay a bonus of one-fourth of one per cent. to the Commonwealth upon its stock amounting to the sum of two hundred and fifty dollars. It is thereafter liable to an annual tax upon its capital stock at the rate of one-half mill for each one per cent. of dividends made or declared. In case of no dividends having been made or declared, then three mills upon the appraised value of the stock. Also, a tax of three per cent. upon the entire amount of net earnings or income. Also, a tax of five per cent. on all interest paid to bondholders and other creditors. (For all these taxes, see act of May 1, 1868.)

An individual, wealthy enough to furnish a hundred thousand dollars in similar business, would be wholly free from these exactions. The State imposes none of these burdens upon him. It does not keep an espionage upon his business, or demand from him sworn statements of his annual profits. It discriminates in his favor against the association of small capitalists which it professes to encourage. And without sharing in any of the stockholder's risks, it makes itself a partner in their profits and follows them with a grasping hand; and a never-ceasing official vigilance of an inquisitorial character over their affairs.

Such conditions are unknown to the laws of New

England, New York and other rival manufacturing States, which, without exception, carefully prohibit duplicating of taxes upon their own industry. Stock in manufacturing companies is generally taxed by them at its value, like other personal property, but first the value of all real estate represented by the stock is deducted, and made taxable like the property of other individuals in the region where the lands are located. It is by such liberal provisions that these States have fostered their industries and maintained a monopoly of capital and supremacy in manufactures.

The western and southern States, for many years our customers, are beginning to be our rivals; and desiring to draw to themselves the benefits flowing from diversified industry, they are enacting the most liberal laws for the encouragement of corporate and individual efforts to establish manufactories, and in addition to this, towns and cities are giving large subsidies to secure the erection of mills and factories within their limits. Notwithstanding the discovery of large bodies of coal in the western States, and their close proximity to vast masses of pure ores, Pennsylvania would still possess at least equal, if not superior, attractions for the investment of capital, were it not for her oppressive tax laws; all of which have a tendency to drive capitalists beyond her borders to seek locations less burdened for their investments.

Nothing but very strong necessity could justify such a variety of taxes upon the same thing. And if any justification ever existed, I believe it to exist no longer. The time has come when, with proper diligence in collecting and economy in expenditures, the State can well afford a reduction of taxation; and legislation in that direction should be such as to relieve the undue burdens of taxation from every form of productive industry. I would, therefore, recommend that the enrolment tax upon private acts chartering

industrial companies, and the bonus upon stock of such companies when organized under general laws, be considered a full equivalent to the Commonwealth for the privileges of a charter; and that all State taxes upon capital stock, net earnings and dividends of manufacturing, mining and improvement companies, and all co-operative associations, be repealed. This reduction will amount to \$549,554.23—the sum collected last year. I also recommend the repeal of that source of revenue known in the Auditor General's report as "Tax on Loans," which amounts to \$492,407.28.

It is confidently believed that with these proposed reductions, which amount to \$1,041,961.51, the State can still pay all her current expenses, the interest on the public debt, and make an annual reduction of at least one million five hundred thousand dollars upon the principal.

#### GEOLOGICAL SURVEY.

Numerous communications, signed by many enterprising and intelligent citizens, continue to reach me, on the subject of a geological and mineralogical survey, urging me to commend it to your careful consideration.

In my annual messages of 1870 and 1871, I laid before the General Assembly the necessity for a continuation of the surveys already made, in order that the mineralogical resources of the State should be more fully and perfectly ascertained; and expressed the opinion that the results would be interesting and valuable, not only to our citizens individually, but to the entire country.

Assurances have been given by the officers of the "United States Coast Survey" of the great interest they will take in our State, in the event they carry out their intention to cross the continent to connect

the "Ocean lines of Coast Surveys." This connection will pass through Pennsylvania, and will materially assist in determining and establishing one or more points in each county through which the line will pass, aid in triangulating so far as to enable us to rectify our county maps and connect them in a correct map of the State. And as the State Geologist progresses with his studies and examinations, he should cause to be accurately represented upon the corrected maps, by colors and other appropriate means, the various areas occupied by the different geological formations, and place them in the possession of the people, for their information, prior to the completion and publication of a full account of the survey.

A State map of the kind indicated, with all the discoveries marked in proper colors thereon, would give to the thousands of visitors from our own country and from foreign lands, who will attend the Centennial celebration, some approximate idea of the incalculable wealth beneath the soil of our State; and would have an importance in their sight that could be conveyed to them in no other possible manner.

The expenses of a geological corps, properly organized, and such as would be competent to perform the duties required, have been carefully estimated, and will not exceed forty-five thousand dollars for the first year, and need not be quite as much annually thereafter. In recommending this measure two years ago, I said: "For want of a proper bureau of statistics, and a corps of observation and publication to collate and relate the facts of our geology and mineralogy as they have appeared, the State has already suffered severely. Much valuable information has been lost, never to be recovered; and but little certain knowledge of past mining, and other scientific operations, has been preserved to govern and assist the future engineer. It is, therefore, neither wise nor just policy

to delay this work under the pretext that it may be more perfectly effected at some future time. There is a present necessity for it, though the time never will come when such a work can be considered perfect. New developments in mineral resources, as well as additional acquirements in scientific knowledge, will constantly be made as long as the world exists. The sooner, therefore, in my opinion, a thorough survey is authorized, the better it will be for the prospective interests of the State, as well as for its present necessities."

The golden destiny of the Pacific States may well be envied; but our coal, ore, oil, lumber and soil are a much better foundation for wealth and permanent greatness than the products of all their placers, and the transient prosperity they have produced. Let us build upon an enduring basis and the world will forever pay a golden tribute to our products and industries—the true wealth of Pennsylvania.

#### BUREAU OF LABOR STATISTICS AND OF AGRICULTURE.

By an act approved April 12, 1872, establishing a "Bureau of Labor Statistics and of Agriculture," the Governor was authorized to appoint a Commissioner of that Department. Accordingly Thomas C. MacDowell, of Dauphin county, was appointed. He immediately established his office in the Capitol building, as required by the act, and commenced the work of collecting the necessary information and arranging the statistical tables, in proper and convenient form to be laid before the Legislature, and for distribution among our citizens.

The functions of the commissioner embrace the examination of nearly all the varied industries of the State, and are defined in the act as follows: "The duties of such officer shall be to collect, compile and systematize statistics, with reference to the subject of

labor in its relations to the social, educational, industrial and general condition, wages and treatment of all classes of working people, and how the same affect our permanent prosperity and productive industry. It shall also be the duty of such Bureau to collect, collate and classify statistics relating to the mineral, manufacturing, agricultural and commercial productions of this Commonwealth." The fourth section makes it the duty of the chief of such Bureau to report annually to the Legislature, in convenient form, the result of his investigations.

The act does not appropriate any money to defray the necessary contingent expenses of putting the Department in working order, nor does it prescribe the manner of obtaining the information required, or that it shall be furnished; and it leaves the commissioner without means by which he can obtain it, except by the voluntary act of those engaged in business. These were evidently over-sights which will doubtless be corrected by an appropriation, and by the passage of such enactments as will enable the commissioner to procure, from the proper sources, the information required to carry out the intent and meaning of the law.

When it is remembered that Pennsylvania ranks second in population; second in manufactures; sixth as a wheat growing State, and first in point of mineral wealth and resources, among the States of the Union; it should not be a question of dollars and cents, whether her vast and varied resources shall be left to be developed by the slow process of casual discovery, or be properly introduced to the notice of capitalists at home and abroad, by authorized and official statements of facts.

The information that will be furnished, will not only be of great practical value to the citizens of the State, but it will afford the representatives of the people, who are charged from year to year with the responsi-

bilities of legislation, the best and most compendious source of information, the importance of which can only be estimated by experience.

Pennsylvania stands pre-eminent for her mineral resources, possessing as she does, the only known anthracite coal fields, of any consequence, whilst her iron ores, and oil are a source of inexhaustible wealth, that defies computation. A few items only are necessary to prove the correctness of these remarks. The production of coal, from the anthracite regions, in 1820, was 365 tons; in 1870 it reached the enormous amount of 19,951,585 tons, and it is estimated that the product will be swelled in 1872, to upwards of 22,000,000 tons. If the increase in the production of anthracite coal has been so rapid and wonderful in a period of fifty-two years, who can estimate its growth within the next half century? The product of our bituminous coal fields, in 1870, foots up to 14,968,465 tons. The two make an aggregate of 34,920,050 tons for that year.

Meanwhile, the development and growth of the oil production of the north-western counties, almost challenges the credulity of our people. From August, 1859, when Drake sunk the first well, to the close of 1864, the production was 221,000,000 gallons, yielding the sum of \$29,820,000. In 1864, about 62,000,000 gallons were refined, the average price of which, in bond, at New York, (sixty-two cents per gallon,) gave a value of \$38,440,000. The entire production, up to 1868, was 327,692,524 gallons, equal to 8,493,339 barrels of crude oil.

There is no doubt the future reports of the commissioner will disclose an equally rapid increase in the production of oil, and other facts concerning it not less gratifying.

The remunerative prices paid at present for pig metal is inducing the erection of a large number of



first class furnaces, which will materially increase the wealth of the State, and give a new impetus to other branches of business dependent upon their products for active and profitable results in the near future.

There are other questions of much interest to the public welfare, which can only be evolved with any degree of certainty by careful investigations; such as those affecting the health, comfort and general well-being of the people, but more especially the industrial classes, who are the main dependence of the State for its continued prosperity. The question of labor, in all its relations, is one that constantly engages a large share of attention, and the subject can only be intelligently and properly legislated upon, after the researches of the statistician are laid before the Legislature, with such accompanying testimony, as will reduce to a demonstration the abuses which exist in our social system. Much might be said in this connection, but your patience shall not be unduly taxed by more extended observations, as I am confident the question of labor, in all its relations, cannot fail to engage the serious attention of enlightened and patriotic representatives.

In view of all the facts connected with the Bureau of Statistics, I most earnestly bespeak for it liberal appropriations, as well as the fostering care of the Legislature.

#### CONGRESSIONAL APPORTIONMENT.

On the night prior to the adjournment of the Legislature at its last session, a bill was submitted for my approval apportioning the State into Congressional districts, for the period of ten years, under the national census of 1870. The enactment was highly objectionable in many of its features; and Congress then had under consideration a supplemental bill proposing an increase of representatives, that would give one addi-

tional member to this State. This afterwards became a law, thereby giving to Pennsylvania twenty-seven members of Congress instead of twenty-six, as provided for in the legislative enactment of the last session. The latter having failed to receive Executive approval, the Congressional elections last October were held under the former law, and the three additional members apportioned to the State were chosen as members at large by the vote of the whole people. Hence, the duty of enacting another apportionment bill devolves upon the present Legislature, and I request for it that careful and patriotic consideration required by the magnitude of the interests involved.

#### STATE TREASURER.

The sixth section of the sixth article of the Constitution declares that—

“A State Treasurer shall be elected annually by joint vote of both branches of the Legislature.”

But the Legislature, by joint resolution, passed at two consecutive sessions, and approved by popular vote at the last October election, has amended this part of the Constitution, by striking out the section above quoted, and inserting in place thereof the following:

“A State Treasurer shall be chosen by the qualified electors of the State, at such times and for such term of service as shall be prescribed by law.”

The adoption of this amendment will be officially proclaimed on the second Tuesday of January, 1873, and will supersede existing laws for the election of State Treasurer by the Legislature. Inasmuch as no provision seems to have been made by law for filling this office, from the first Monday of May next until an election can be had by the people under the amended Constitution, I invite the attention of the Legislature to this condition of the subject, and recommend such

action as will carry out the amendment, and in the meantime secure so important an interest of the Commonwealth.

#### CONSTITUTIONAL CONVENTION.

The several duties imposed upon the Executive and Secretary of State, by the act of the last session authorizing the convention, were duly performed. The delegates having been chosen at the October election, convened in this city on the twelfth day of November. The convention, after completing its organization, appointing its standing committees, and adopting rules for its government, adjourned to meet at Philadelphia on the seventh of the present month.

A careful revision of our fundamental law is imperatively demanded by the highest considerations of public welfare; and it is confidently hoped the action of that body may be such as to meet the just expectations of enlightened public opinion.

#### SANCTITY OF THE BALLOT BOX.

Many of the laws now upon our statute books were designed to fortify the ballot-box against corruption and fraud, but practically they have often been rendered impotent for that purpose, and even for the prevention of false returns. Numerous complaints have been made to me on this subject by many highly respectable citizens, who have requested that I would, once more, urge it upon the attention of the Legislature, and ask the passage of more stringent enactments for the suppression of such crimes against the rights of the citizen. Redress for these wrongs is expected from the Constitutional Convention, and it is hoped the public expectations will be realized. It is believed, however, the Legislature can remedy some of the evils complained of, and your attention is earnestly invited to the subject, in order that whatever is

practicable may be done to guard the purity of the ballot-box, and the rights of electors.

#### WRITS OF ERROR IN CRIMINAL CASES.

The attention of the Legislature is again invited to the importance of writs of error in criminal cases, and reference is made to my last two annual messages for the arguments and reasons why there should be additional legislation upon this subject.

#### EDUCATION.

With great propriety, the Superintendent, in the opening of his able report, congratulates the people upon the continued growth and prosperity of our public schools.

Their progress is clearly indicated by comparing the expenditures of the last six years, with those of the six years prior to 1867, viz:

Total cost for tuition from 1867 to	
1872, .....	\$21,578,258 61
Total cost for tuition from 1861 to	
1866, .....	12,745,061 71
	<hr/>
Increase, .....	\$8,833,196 90
	<hr/> <hr/>
Total expenditures of the system from	
1867 to 1872, .....	\$42,952,152 11
Total expenditures of the system from	
1861 to 1866, .....	19,590,149 51
	<hr/>
Increase, .....	\$23,361,902 60
	<hr/> <hr/>

Pennsylvania, less fortunate than many of her sister States, has no school fund. The legislative appropriations amount only to about six hundred thousand dollars annually; but the people, in the several districts, voluntarily vote all other moneys necessary

to support the schools. The foregoing statements briefly exhibit the deep and increasing interest entertained in behalf of popular education.

Intelligence and virtue are conceded to be indispensable conditions of the permanent existence and prosperity of any form of government. The necessity of these supports increases in proportion as the area of freedom and privilege is enlarged. It follows, from these unquestioned maxims, that the demand for general education is more imperative in the United States than in any other country. Our Constitution recognizes the people as the inherent source of all power. All participate in the great act of creating the country's rulers. The ballot decides all questions of choice, and fills all official positions, from that of the chief magistrate of the nation to that of the lowest town officer. This supreme and resistless power of universal suffrage, at once suggests the absolute necessity of universal education. The truth of these premises admitted, no argument is required to establish the conclusion.

The common school system doubtless owes its origin to a common conviction that no people can be properly and permanently self-governing, whose intelligence is unequal to the comprehension of their rights, privileges and responsibilities, or whose virtues are too feeble and imperfect to restrain them from a violation of those duties which they owe to their Creator and to each other.

When the system was introduced, thirty-eight years ago, it was generally viewed in the light of an experiment. The act creating it made its adoption dependent upon the vote of the people in their respective districts. Their reluctant and tardy acceptance of the priceless boon is neither matter of surprise to us, nor reproach to them, when all the circumstances are duly considered. Its present popularity is indicated by the

entire absence of complaint, and a still more significant readiness, by the people, to assume the expenses requisite for its constant improvement and efficient application. Doubtless many years must elapse before the full fruition of its influences can be received, but, meanwhile, it will be gradually moulding the popular mind into more perfect conformity with the requirements of our free institutions.

Fortunately the old prejudice against the system no longer exists; but indifference, to a lamentable extent, occupies its place. From the report of the Superintendent it appears that the number of children in the State, who do not attend school, exceeds seventy-five thousand. This criminal neglect is most prevalent in the cities. In Philadelphia twelve per cent. of the children between the ages of five and fifteen years do not attend school. But more significant and alarming still, of the whole number registered as attendants, forty-six per cent. are absent from the daily sessions. In the State at large, the unregistered amount to six per cent., and the absentees to thirty-three per cent. And, as was naturally to be expected, the resulting ignorance from this neglect has proved a fruitful source of crime. Sixteen per cent. of the inmates of the State prisons are unable to read.

Obviously, therefore, it is not sufficient that the State makes ample provision. Such measures should be immediately adopted as would secure a universal participation of the benefit. The children are not to blame. They naturally prefer freedom and amusement to the confinement and studies of the school room. Parents and guardians are the parties with whom the State must deal. She owes it alike to her own peace and security, and to the highest welfare of the children who are to be her future citizens, to see that they shall be rescued from the perils of ignorance.

After careful and anxious deliberation upon all the

facts, and their inevitable consequences, I recommend the adoption of a compulsory system of education. That a law to this effect will encounter objections is not to be doubted; for in view of the probability of such a measure, its opponents have already commenced to marshal their forces.

In Norway, Sweden and Prussia this system was first adopted, and such have been its salutary effects that other European governments have made haste to follow their example. Austria, admonished by the defeat at Sadowa, France by the crushing disaster at Sedan, and England by the possibility of a real "battle of Dorking," have decreed by statute that all their children shall be taught to read and write, influenced by a conviction that knowledge gives increased prowess in war as well as capacity and integrity for the peaceful pursuits in life. And it is a fact of striking significance that none of the States that have passed such enactments have abandoned or repealed them.

In passing from this topic, of paramount importance to the future well-being of the Commonwealth, I unhesitatingly express the hope that the day is not distant when through the Bureau of National Education, seconded by the concurrent legislative action of the States, every child in the American Union, without reference to creed, caste, color or condition, will be thoroughly and effectually instructed in all the elementary branches of English education; and that uniform text books, setting forth the true history and theory of our National and State governments, will be provided and introduced into all the schools of the country. Approximation of thought and opinion on these subjects is of vital consequence to the permanence of the Union, and the stability of our republican institutions. Had such a measure been opportunely initiated the war of the rebellion would scarcely have been possible.

Should you deem your powers inadequate to enact suitable laws upon this subject, the Constitutional Convention now in session, should not hesitate to habilitate you with such authority, and thus lend their aid and influence in making Pennsylvania the vanguard in the great mission of universal education.

From the report of the Superintendent of Soldiers' Orphans' schools, and other sources, I feel fully authorized in assuring you they were never before in a more flourishing and prosperous condition.

Every child, legally eligible, and having made application, is now admitted to these schools. The whole number of admissions since 1865 is 6,429; the discharges from all causes 2,902, leaving in attendance 3,527. No larger number will probably hereafter be attained, and it may confidently be expected that this number will be subject to an annual reduction of at least 500, until the system shall have accomplished its mission.

The entire expense of these schools to the State, since they went into operation in 1865, is \$3,467,543.11. Their cost during the last year was \$475,245.47. It is estimated by the Superintendent that the future expense, to the period of their final extinction, will not exceed one million five hundred thousand dollars.

The health of the children has been excellent. Their exemption from small-pox, while it was prevailing all around them, is remarkable; and no stronger evidence of good management and the propitious results of systematic vaccination, could be adduced. The exemplary conduct of the pupils after their discharge is one of the most gratifying circumstances connected with their history. The following statement of the Superintendent will be highly satisfactory to the Legislature and the people: "From the beginning of these schools to the present, the greater part of the children who have received their advantages have been



honorably discharged. And from facts in the possession of the department, it appears that more than ninety-eight per cent. are doing well, and seem likely to become upright and useful citizens."

Among the other States of the American Union, Pennsylvania stands pre-eminent in her "care for the soldier who has borne the battle, and for his widow and orphan children." The noble scheme for clothing, educating, maintaining and adopting the orphan children of her soldiers who gave their lives in defense of the National Union. In this the generosity of her people has been imitated, but not equalled by those of any other State. To her will forever be accorded the leadership in this work of patriotic benevolence. It will form the brightest page of her history. It will seal the devotion of her people to the common country; and our legislators, in view of its benign influences, will continue to accord a cheerful and liberal support to a system so fruitful in blessing to the orphan children of our martyred heroes.

Upon no material interest of the State is the influence of education more salutary than that of agriculture. Pennsylvania, by wise legislation, has authorized the purchase of three experimental farms, and the establishment of a college, all of which now are in successful operation, and the results of the scientific working of the farms have already added much practical knowledge upon the general subject.

The agricultural College has just closed a most prosperous year—the number of students being one hundred and fifty—which exceeds that of any year since the opening of the institution. Any one, of three courses, is optional to the students, viz: Agricultural, scientific or classical, to all of which is added a general course of military instruction.

The admission of females, which was first permitted sixteen months ago, has thus far worked exceedingly

well. Thirty young women have availed themselves of the opportunity thus afforded to obtain a first-class education.

All students are taught to regard labor as beneficial and honorable. The rule of the college requiring ten hours manual labor per week from the students is cheerfully complied with, and results advantageously to their health and comfort.

This State institution is pre-eminently the People's College: Its preparatory department receives students at a low grade, as well as those more advanced. This school is "cheap enough for the poorest and good enough for the richest," either in mind or estate; and it affords healthful exercise, instruction in useful labor, and free tuition in every branch of its ample courses of study.

#### THE NATIONAL GUARD.

For the details of the organization of the National Guard, and the general business of the Adjutant General's Department, your attention is invited to the accompanying report of that officer.

At the close of the late war the State was without a single military division, and the few scattered companies which existed at its commencement had been, generally, disbanded by the enlistment of their members in the active military service of the General Government.

In 1866 the militia of the State comprised only eight volunteer companies. Since then four hundred and eighty-three have been organized and one hundred and sixty-eight disbanded—the latter principally on account of the almost entire want of encouragement and support from the State, and their own inability to maintain themselves. To this fact is mainly attributable the reduction of the volunteer force in the first division (Philadelphia) during the past year. The Leg-

islature, at its last session, having repealed all laws by which any military fund could be raised in that division, left its organization entirely dependent upon themselves and the voluntary contributions of citizens.

The organizations of the National Guard, not yet disbanded, consist of fifteen regiments and six battalions; comprising, with unattached bodies, three hundred and twenty-three companies, viz: Six artillery, eight cavalry, and three hundred and nine infantry. The aggregate of enlisted men is 13,566, and of commissioned officers 1,126.

Convinced of the necessity, in time of peace as well as in war, of an efficient military force to maintain the civil authority, I have at all times entertained a deep interest in the military department of the State, and it affords me pleasure to say that the present condition of our volunteer organizations is as complete as is practicable under the admitted imperfections and illiberal provisions of our military laws.

Where "the greater security of life and property" is the question involved, it would seem superfluous to employ arguments to convince any property holder, business man, or good citizen, that it was his individual interest to support a system designed to uphold the civil authority. But as practical illustrations, of recent date, I may refer to the scenes of July, 1871, in the city of New York, as well as to those enacted in our own State, at Scranton, during the months of April and May, of the same year, and still more recently followed by the disturbance of the public peace in July last, which so seriously threatened the city of Williamsport. The civil arm of the law was paralyzed, and peaceable citizens were at the mercy of the rioters. Appeals came from the civil authorities and the people, for the protection of the military against tumult which they were unable to quell. The military

of the nearest divisions promptly responded to the call of the Executive, the majesty of the civil law was vindicated in the suppression of the disorder, and at comparatively trifling cost to the State, the peace and quiet of two of her flourishing cities were restored, immensely valuable property preserved, and very many honest and industrious laborers enabled to resume the work on which the subsistence of themselves and their families depended. Such occurrences surely demonstrate both the value and necessity of a well organized and thoroughly disciplined National Guard to maintain the civil authority. I cite these circumstances as an act of official duty, and from a desire to avail myself of this opportunity of leaving on record my appreciation of the importance of such action, on your part, as will maintain a well equipped, disciplined and reliable State military force.

For a full statement of the disturbances at Williams port, and of the operations of the military called into service, on appeal of the civil authorities, you are referred to the official statement of Major General Jesse Merrill, commanding the 11th Division, which appears at length in the Adjutant General's report.

The discreet and judicious conduct of the Major General, and the officers and men under his command on that occasion, not only won the approval of the citizens of that community, but entitles them to general commendation.

Provisions should be promptly made for the payment of the expenses necessarily incurred on payrolls and accounts duly audited and certified by the proper officers; the amount of which will not exceed fifteen thousand dollars.

#### PICTURE OF THE BATTLE OF GETTYSBURG.

The period determined upon by the Legislature for the delivery of the picture of the battle of Gettysburg,

painted for the State by P. F. Rothermel, artist, having arrived, no place in the Capitol, or other public buildings at Harrisburg, was found suitable for its reception and exhibition. Finding that the picture could not long remain rolled up without considerable injury, and, perhaps, total destruction; with the approval of several members of the Senate and of the House I consented to place it in the hands of the Park Commissioners of Philadelphia, subject to the order of the Legislature.

A building 140 feet long and 43 feet wide has been erected in Fairmount Park for the reception of this historic painting, within a few hundred feet of the Green street entrance. The site is the very best that could have been selected to afford the public easy access. The gallery is perfectly adapted for the safe keeping and proper exhibition of the picture.

#### RECORDING DOCUMENTS AND BINDING LAW BOOKS.

Under existing laws many important documents are filed in the office of the Secretary of the Commonwealth, which, for greater security, ought to be recorded in suitable books for that purpose. Prominent among those referred to may be enumerated papers relating to the merger and consolidation of railroad companies; the increase of capital stock and bonded obligations of corporations under both general and special laws; correction of errors, and confirming corporate organizations; extension of charters and dissolution of corporations; the change of name of corporations and the location of their principal offices; the acceptance of the provisions of acts of Assembly by corporations; and contracts to which the State is a party. This list might be extended, but enough has been given to indicate the grave importance of the interests involved, and the necessity for the utmost care in preserving, in proper and accessible shape, the evi-

dence of such transactions. I therefore recommend such enactments as will confer the authority required upon the Secretary of the Commonwealth.

The State authorizes the publication of the statute laws, and the distribution of them to sundry enumerated officers and persons. Justices of the peace and aldermen are required to carefully preserve the copies received by them and hand them over to their successors in office. But the annual volumes being large, and bound only in paper covers, it is almost impossible to preserve them whole for any reasonable time. I recommend the passage of a law requiring them to be properly bound before distribution.

#### BOARD OF PUBLIC CHARITIES.

The eminent and philanthropic gentlemen composing the Board of Public Charities have carefully investigated a number of subjects which they deemed of sufficient importance to lay before the Legislature. Among them may be specially noticed Prison Discipline,—a question now generally occupying the attention of statesmen and philanthropists throughout the civilized world; the condition and treatment of the insane and the workings of that class of institutions known as local charities, founded and conducted for benevolent purposes. These asylums are located in various parts of the State, mostly, however, in Philadelphia and Pittsburg. They are performing an excellent work—relieving the sick, indigent, infirm and neglected portions of our population. The General Agent has devoted a considerable portion of his time to their inspection, the results of which will appear in his able report to the Board, in which he exhibits their character and the large amount of private charity bestowed upon them.

This Board was organized during my administration, and I have entertained a deep and lasting interest

in its labors. The gentlemen who compose it voluntarily devote their time, without compensation, to this noble work of benevolence. The impress of their intelligent efforts is everywhere perceptible; and the large annual contributions of the State to charitable institutions have, under their supervision and examination, been properly and systematically applied.

The third volume of their reports will be submitted at an early day. It will present a large amount of statistical information, and many interesting facts and valuable suggestions upon subjects of great importance. I cannot too strongly commend this Board—the great regulator of State charities—to the favorable consideration of the Legislature, and recommend such appropriations for expenses and additional enactments as may be necessary to increase its efficiency.

#### PENITENTIARIES AND REFORMATORIES.

From a personal inspection of the penitentiaries, I am able to bear testimony to the evidences that were everywhere manifested of their general good management and excellent discipline.

The Eastern penitentiary has long been deservedly regarded as the model prison in which the “separate” or “individual treatment” system of imprisonment is applied, and the annual reports of its faithful Board of Inspectors, embracing their observations and investigations, show that they have elevated the subject of crime-punishment almost to the dignity of a science.

Among the circumstances that attracted my attention was the insufficient number of cells to carry out the “solitary confinement” principle, and the incarceration there of a number of boys and youths for first offences, and of females untrained in crime. Sometimes two or more in one cell were thus unavoidably brought into associations which could scarcely fail to

produce contamination of character and morals. I would, therefore, recommend that the Legislature enable the courts to sentence minors and females to the county prisons, where with proper teaching—training in some handy-craft business—and with due attention given to discipline, the object of punishment would be more effectually attained; and the penitentiary, thus relieved, would have cells sufficient for all ordinary purposes. It is a great mistake in almost all cases of minors convicted for their first, and often trivial offence, to send them to a State's prison; because the punishment is less in its effect than the idea of degradation in the after-life of the prisoner. Such persons should be punished in the locality where the crime was committed, and the disgrace would not be so likely to permanently affect the character after the discharge of the prisoner.

From 1829 to 1871, inclusive, only three hundred and forty-six females were received in the Eastern penitentiary, and of this number one hundred and twenty-seven were minors. These facts would fully justify the propriety of such action by the Legislature as has been suggested.

The Western penitentiary contains ample space for present demands. It is conducted on the "combined" system of "solitary" and "congregate" imprisonment, the workings of which are giving entire satisfaction to all concerned.

The commissioners from this State to the International Prison Congress, lately held in London, England, report that twenty-one governments were represented, principally by men who have made criminal legislation and penal treatment a study. America sent seventy-three delegates, representing penitentiaries, asylums and reformatory institutions. Among these were many experts in every branch of penology. The deliberations of the Congress continued ten days.



Its results are difficult to estimate; but it is hoped the great interests of humanity involved in the proper treatment of crime will be happily subserved among all civilized nations.

The managers of the "Pennsylvania Reform School" (late the Western House of Refuge) propose to change their location from Allegheny City to a farm, containing 503 acres, in Washington county, seventeen miles from Pittsburg, near the Chartiers Valley railroad, and adopt for its government the best features of what is known as the "family system" of juvenile reformatories. These will mainly consist in the abandonment of walls, bolts and bars for confining children; and in an earnest effort govern them through sympathy and kindness, and prepare them for useful occupations.

The Board will ask an additional appropriation to pay for the land and improvements.

#### SANITARY REGULATIONS.

Of all my official recommendations, I deem those most important which relate to the public health. Facilities for the material development, and the accumulation of wealth, estimated at their highest value, are of but minor consequence when compared with the preservation of life itself. "All that a man hath will he give for his life!" At the time of presenting my last annual message, small-pox was fearfully prevalent in Philadelphia and in many towns and populous districts of the State. I then called attention to the subject, and in the strongest terms at my command, urged the imperative necessity of adopting such measures as would arrest the disease and prevent its re-appearance. My suggestions, however, were utterly unheeded by the Legislature. The dreadful scourge extended itself into the first half of the past year, and, in the absence of well known preventives, it would be presumption not to expect its

annual return. Neither the extent of its ravages, nor the fatal character of the disease, last year, is generally known to the public, or, I am confident, there would have been such an outcry as would have compelled immediate attention and relief. Among the unvaccinated, the ordinary proportion of deaths has been thirty-three per cent.; but the recent death-rate in Philadelphia amounted to nearly forty-seven per cent. This is fearful to contemplate, and yet, more fearful still—the fatal percentage has been nearly sixty-six in the country at large. This is mainly the result of an indifference, so reckless, as to be absolutely unaccountable. I am thoroughly convinced, that the deplorable results now alluded to, might have been prevented, by opportune legislation. The testimony of the most scientific schools is to the effect that vaccination, properly administered, is a sovereign antidote. The highest medical authorities unqualifiedly affirm small-pox to be a disgrace to any civilized land; that there is no necessity for its presence, and that if every person were properly vaccinated every seven years, the disease might be utterly exterminated. I am assured of the correctness of this opinion by my personal observations in the army, both in Mexico and the United States. Soon after our camps were pitched upon Mexican soil, the disease made its appearance among our troops. By an order from General Scott, the whole army was immediately vaccinated, and the small-pox was at once driven from our lines. The same result followed the application of the same remedy in the army of General Sherman, during his famous march “to the sea,” and, more recently, in our very midst we have been favored with an illustration equally striking and conclusive: Our schools of soldiers’ orphans, in which there are upwards of thirty-five hundred children, being under the absolute control of the State authorities, a regulation enforcing

universal vaccination, could be, and was, adopted. The result is, that not a single case of small-pox has occurred in them.

My object in submitting these remarks to you is not so much for the purpose of convincing you of the truth of a proposition which but few attempt to dispute, as to ask the immediate enactment of remedial measures. It remains, therefore, only to consider how the object to be sought may be most speedily and effectually accomplished. In reply to this question, I earnestly recommend the passage of an act providing for compulsory vaccination, which should have such penalties annexed as would insure its undoubted enforcement.

I also recommend an enactment establishing a State Board of Health, whose functions shall be discharged under the auspices of the Legislature. Such an organization would be indispensable to the vigorous and comprehensive execution of a law making vaccination compulsory, and would be eminently serviceable in enforcing such other sanitary regulations as might be deemed essential to the protection of the public against small-pox and other contagious diseases. The State Board might be constituted somewhat upon the model of the Board of Public Charities, with the addition of local boards for the counties, cities and larger towns. The expense of such a system would not be worth a thought, when compared with the value of the benefits that would be conferred by its operation. At all events, it would be far less than the cost in human lives annually sacrificed by the diseases it would be designed to prevent. It is not possible to estimate correctly such values. But for the purpose of illustration, the calculation of an eminent physician may be accepted. Dr. Ackland, of England, sets down every death by a preventable disease as a loss in money of £100, and £12 for loss of time

and maintenance during the period of sickness. According to this standard Pennsylvania lost during the last two years by small-pox alone more than \$5,000,000.

From a joint report made to me by the Health Officer and Port Physician of Philadelphia, I learn that the health laws of that city and port are in a very confused and unsatisfactory condition. These gentlemen, in effect, say that the first comprehensive health law was passed in 1818; that continuous additions have been made since that time; that while some of the laws have been repealed, others have become inoperative and obsolete; that if certain of these were revived and enforced their execution would inflict positive injury, and, in short, that the whole system imperatively requires a thorough revision. I have good reason to endorse the truth of these statements, and I earnestly recommend the whole subject to your early and considerate action, and that the amendments which you may make for the better protection of the health and general well-being of Philadelphia be extended as far as practicable to the whole State.

#### CAPITOL AND CAPITOL GROUNDS.

The apartment in the Capitol building, familiarly known as the "Office of the State Historian," has been tastefully fitted up for the reception and display of the battle-flags carried by our soldiers in the war of the rebellion, in accordance with a resolution to that effect passed by the Legislature at its last session.

For the purpose of irrigating and beautifying the Capitol grounds, I recommend that you authorize the construction of at least two ornamental fountains.

I renew my recommendation for the purchase of a few small lots at the eastern corner of the grounds necessary to the completion of the square, and that the iron fence enclosing them be completed.

## GOVERNOR'S SALARY.

As no charge of selfishness can, at this juncture, attach to me, I frankly remind you that the compensation of the Governor is entirely inadequate to enable him to live in a style corresponding to his position, and the reasonable expectations of the people of so great a Commonwealth. The truth of these assertions is so obvious that no argument is required for their confirmation.

The Constitution declares in section VI, of article II, "The Governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected."

Should the Legislature concur with me as to the propriety of increasing the compensation of the Executive to ten thousand dollars per annum, I recommend that it be done prior to the twentieth of January, as on that day the period for which my successor has been elected will begin.

## IN MEMORIAM.

It has heretofore been my sad duty to chronicle the departure of distinguished citizens from spheres of usefulness to that realm of eternal silence, from which no traveler returns. Among them may be enumerated three ex-Governors; and now I am called upon to announce the decease of another who has occupied the Executive chair.

William F. Johnston was born November 29, 1808, at Greensburg, Westmoreland county, and died at Pittsburg, October 25, 1872, in the sixty-fourth year of his age.

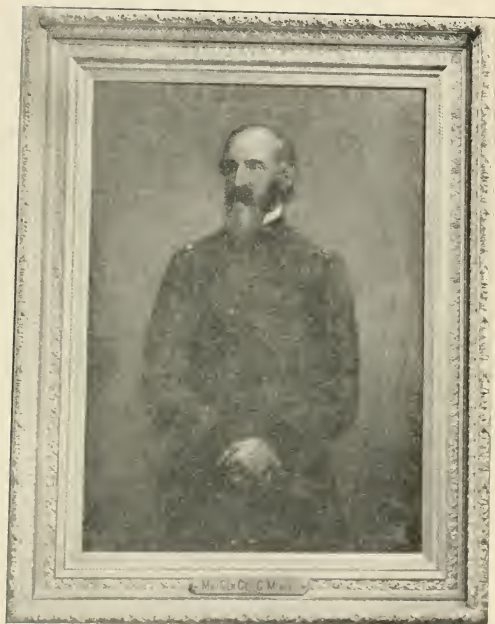
He was admitted to the bar in 1829, and was subsequently a member of the House of Representatives, and of the Senate. As speaker of the latter, he became acting Governor upon the resignation of Fran-

cis R. Shunk. He was afterwards nominated by the Whigs, and elected to the Chief Magistracy. He filled the office with honor and marked ability. After the expiration of his term he devoted his time to the construction and management of railroads and the development of the resources of the western portion of the State. He was endowed with strong natural abilities, was genial in manners and faithful in friendship. His services to the Commonwealth will not soon be forgotten. I trust the Legislature will do justice to his memory by appropriately noticing his death.

It is with profound sorrow, also, that I announce to you, officially, the death of Major General George Gordon Meade. He died in Philadelphia, November 6, 1872, in the fifty-sixth year of his age.

It is impossible, within the brief space allowed, to give an extended notice of the services of one so eminently distinguished. He was a graduate of the Military Academy at West Point; and served with distinction in the Seminole and Mexican wars, and as a Topographical Engineer in time of peace. At the commencement of the recent Civil War, his services were tendered to and accepted by the Government. From the rank of Brigadier General he rose through the grades of Division and Corps Commander, and was on the twenty-eighth day of June, 1866, without solicitation, appointed, by President Lincoln, Commander-in-Chief of the Army of the Potomac; and although he leaves behind him an undying record of his brilliant and heroic deeds wherever he was called into action, his name will be, particularly and forever, associated with the glory of the great turning battle of the war—fought at Gettysburg, on the first, second, and third days of July, 1863.

General Meade remained in the regular army until the time of his death. He was an accomplished gentleman, possessing a highly cultivated intellect,



GEORGE GORDON MEADE  
of Pennsylvania.  
Major General in the United States Army.





sound judgment, and a great integrity of character. But to his distinguished services upon the soil of Pennsylvania, which has so intimately identified his memory with the defence of the nation, in the hour of its extremest peril, that I invoke your special attention. Pennsylvania cannot, will not be ungrateful for such services. She will desire, with appropriate honors, to perpetuate the fame of her departed chieftain. I recommend an appropriation for the erection of a monument to his memory upon the battlefield of Gettysburg; and such other legislation as will be alike suitable to the occasion and honorable to the Commonwealth.

#### PARDONS, COMMUTATIONS AND EXECUTIONS.

No department of the State government has imposed upon it such difficult and embarrassing duties, or such weighty and disagreeable responsibilities, as the pardoning power devolves upon the Executive.

That a few pardons may have been unworthily granted, through the misrepresentations of relatives, neighbors, or other interested parties, or even by affidavits afterwards discovered to have been designedly false, may be frankly conceded; and that some who, perhaps, were more deserving, have been refused, from want of proper representations of facts, may be equally true; still, I feel assured that I have faithfully performed my duty in such cases, and have exercised the prerogative only when the facts and circumstances seemed to imperatively demand the interposition of Executive clemency. In this, I have endeavored to adopt and enforce the views entertained by the framers of our Constitution, who never contemplated an indiscriminate use of the pardoning power, but designed it for the correction of errors and oppressions; cases of after discovered evidence; inequalities of sentences for identical offences; the furtherance of jus-

tice by uncovering crime, and other instances strongly exceptional in their character.

Soon after entering upon the duties of the Executive office, I deemed it important that the public should be more fully informed upon the subject of pardons, than they had previously been. I then introduced, for the first time in this State, an annual pardon report, containing the names of the petitioners, and an epitome of the reasons adduced for each case of relief from the sentence of the law. Since then, similar reports have been made in other States, and the practice, divesting the exercise of the pardoning prerogative of all secrecy, seems to have received very general approbation.

The applications for pardons, during the past year, numbered one thousand four hundred and thirty-seven—about five for every working day in the year. Of these, sixty-nine were granted—less than five per cent. of the number applied for, and averaging about one to each county. Estimating our population at three million six hundred thousand, the average is one pardon to every forty-two thousand three hundred.

The system of commutation, under the act of May 21, 1869, continues to work well in all the prisons, and has produced a decidedly salutary effect upon the discipline of the prisons and the character of the prisoners.

The death penalty has been twice carried into effect during the year, once in Cambria and once in Chester.

A report of pardons and executions for the year ending November 30, 1872, accompanies this communication.

#### IMPROVEMENT OF THE OHIO RIVER.

The subject of the improvement of the Ohio river and its navigable tributaries has long engaged the attention of leading business men of our own and other

States, and they have several times solicited Congressional action in its behalf. Organized effort was commenced during the present year. A convention met in Cincinnati on the twentieth of last February, in which a comparison of views led to the adoption of a resolution requesting the Governors of the States of Pennsylvania, West Virginia, Indiana, Illinois, Ohio, Kentucky and Tennessee, to appoint each a committee of five members, who should act as a commission to take charge of, and promote by all legitimate means the desired improvement. I responded to the request, and appointed as commissioners for Pennsylvania, James K. Moorhead, Thomas J. Powers, George H. Thurston, Joseph Walton and Edward Blanchard. The Governors of the other States made similar appointments, and the commission met at Cincinnati on the eighteenth of September. It continued in session two days, and its proceedings indicate that its members were actuated by earnestness of spirit, and by just, comprehensive and statesmanlike views.

The commission from its own body appointed committees on statistics, legislation, water supply and available reservoirs, plans and manner of improvement, and an executive committee, with power to act in the intervals of its regular sessions. Resolutions were adopted asking the Governors of the several States represented, to present the subject upon which the commission had been created in their forth-coming messages to their respective Legislatures—to advise them to instruct their Senators and request their Representatives in Congress to favor a liberal policy toward an interest of such magnitude, and to recommend them to make an appropriation sufficient to pay the expenses of the commission.

From a memorial prepared and submitted to the commission by Mr. Thurston, it is manifest that the project is one of the very highest importance to the

States immediately concerned, and indirectly of great interest to the whole country. The claims of this subject to your prompt and favorable consideration, and that of Congress will hardly be questioned, when it is remembered that it is presented by gentlemen who represent one-half of the population of the country; that the people, who would be directly or indirectly benefited by the contemplated improvement, possess one-half of its cultivated lands, raise sixty per cent. of its agricultural products, breed sixty per cent. of its live stock, own fifty per cent. of its capital invested in farming implements and machinery, and have, heretofore, paid thirty-five per cent. of its internal taxation, and contributed a corresponding share toward the payment of the National debt.

The President of the United States, in his late message, invites the attention of Congress to this and similar enterprises, as being of great moment to the varied producing interests and the internal commerce of the country in time of peace, "and of inestimable value in case of a foreign war." In the scheme for the improvement of the Ohio river and its navigable tributaries, Pennsylvania has an immediate and deep concern. The subject, as presented by Mr. Thurston, has awakened in my own mind an unreserved and ardent sympathy, and I refer you with pleasure to his very comprehensive and able report, and most cordially recommend that the instructions requested, and an appropriation to meet the necessary expenses of our commissioners, be given. I am informed that the amount required by the commissioners of each State will not exceed three thousand dollars. It need scarcely be added that the character of the gentlemen composing the commission entitles them to your perfect confidence, and gives assurance that the appropriation would be judiciously and honestly expended.

## CENTENNIAL.

On the fourth of July, 1876, the nation will have completed the first century of its existence. The design to celebrate that great event in a becoming manner doubtless commends itself alike to your intelligent appreciation of the blessings of liberty and independence, and your highest sentiments of patriotic pride and gratitude. Already the preliminary steps of the design have been taken, and toward its happy realization the people of the entire country are looking with profound interest and pleasure. By a combination of circumstances, well known in history, in the metropolis of our State the Declaration of Independence was proclaimed, and the Constitution subsequently adopted.

That city has, therefore, very naturally been selected as the scene of the proposed Centennial Celebration and International Exhibition.

A popular manifestation of this kind should correspond to the character of the event to be celebrated. It will be the first centennial celebration of our national existence—the greatest event that can possibly occur in the life-time of any living American; it will be the first international exhibition ever given in honor of Republican government, and will exhibit the effect of our institutions in promoting wealth, intelligence and happiness. The ceremonies of this unprecedented occasion should be noted for spontaneous enthusiasm, universal enlistment of popular sentiment, and a more impressive grandeur than has ever heretofore been witnessed.

The enterprise, which cannot fail to interest the whole country, must prove unusually attractive to Philadelphians, and scarcely less so to the whole people of the Commonwealth; and it is certainly to be expected that they will be peculiarly distinguished for earnestness and zeal in its support. The city hav-

ing thus far borne all the expenses attending the organization and meetings of the United States Commissioners, and having extended to them graceful courtesies and liberal hospitality, it may be well now to consider what the State may do to advance the cause, and what further action or aid in the premises may be expected from the General Government.

Naturally desiring to have no financial trusts in this connection, and feeling the need of an executive arm capable of performing the many business functions essential to the success of the undertaking, the National Commissioners asked Congress to authorize the organization of a corporation, under the title of the "Centennial Board of Finance," with a capital stock amounting to ten million dollars, divided into shares of ten dollars each, with the power of acquiring and holding such real and personal estate as may be needed in carrying into effect the act of Congress, approved March 3, 1871.

An act embodying these privileges was promptly passed by Congress, June 1, 1871, and under it books for the subscription of the stock have been opened in each State and Territory, and the organization of the Board of Finance will probably be completed before the adjournment of the Legislature.

The quota of stock allotted to Pennsylvania will be promptly taken, and more than this its people cannot do, until the hundred days, prior to the organization of the Board of Finance, in which the subscription books are required to be kept open in each State and Territory, shall have elapsed; after which time, any stock not taken, should, if not called for by others, be promptly subscribed by our citizens.

Under the eleventh article of the Constitution, the State is prohibited from subscribing for stocks or lending its credit for any other object than the payment of its own debt, or for the purpose of military defence.

But it can and should make such special donation as would inspire popular confidence, excite the emulation of other States, and insure the prompt commencement of the work upon a scale commensurate with its importance.

The eighth section of the original act of Congress authorizing the exhibition, provides "that whenever the President shall be informed by the Governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for, of the proposed exposition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it shall be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries."

The provisions authorizing the organization of the Board of Finance, and the formal proclamation of the national and international character of the exhibition is deferred until the Governor of this Commonwealth can make the required report to the President of the United States. I would, therefore, recommend to your honorable bodies to make a sufficient appropriation for the purpose of securing the erection of suitable buildings for holding the exhibition, to be under the control of the National Commission in accordance with the act of Congress.

I would further recommend that your "Committee on Federal Relations" consider the propriety of asking Congress to make an appropriation for such necessary expenses of the National Commissioners as will enable them to work with efficiency. The members are national officers charged with a trust of great

responsibility, and engaged in an enterprise in which the reputation of the country is directly involved.

Our Government, which expended a large sum of money in promoting the Paris exhibition, certainly will not treat the agents to whom it has committed the task of preparing a memorial of its birth upon its own soil, in the form of an International Exhibition of the Arts of Modern Civilization, with such parsimony as would deprive them of their proper influence, dignity and independence.

The State Commissioners heretofore appointed under the acts of the Legislature have made no report of their transactions, and may not yet have found their proper sphere of usefulness. They can render much service to the United States Commissioners, and to the Board of Finance, by obtaining subscriptions of stock, and promoting such organization of the industries of the State as would contribute to the success of the exhibition, and present an appropriate display of the wealth and resources of the Commonwealth.

This great national enterprise appeals as well to local pride as to common patriotism; it must be successful—the nation has decreed it; and since to Pennsylvania has been assigned the honor of having the celebration take place on her soil, she must and will see to it that it shall not fail. I, therefore, earnestly solicit for it not only your aid, but also the thoughtful and zealous support of all social, industrial, scientific, educational and religious associations, and that of all good citizens, who have at heart the honor, perpetuity, and happiness of our common country.”

#### GENERAL REMARKS.

In my official communications, heretofore, to the Legislature, and in public addresses to the people, I have without hesitation declared my views in favor of protection to our Home Industries, and in defence



of labor against foreign competition. Continued observation and experience have tendered to confirm me as to the correctness of the opinions then expressed. I now reiterate them with undiminished confidence; and feel peculiar satisfaction in the belief that Congress will maintain a policy that has so vastly contributed to the prosperity of the whole country.

The inter-state courtesies, heretofore exercised, have been continued and fostered by a system of mutual exchanges of the laws and other public documents; and in the enforcement of statutes authorizing requisitions, and the rendition of fugitive criminals. During my administration there has not occurred a single circumstance to mar the harmony and friendship existing between the Government of Pennsylvania and that of any other State, or of the Nation. The obvious advantages arising from such a condition of our affairs must naturally tend to advance the best interests of the States, and cement the bonds of the National Union.

The recent elections prove, by unprecedented majorities, that the country reposes extraordinary confidence in the patriotism, sagacity and integrity of the Republican party. In response to this sentiment, that party should discharge its sacred trust by a wise, honest, economical and patriotic administration of the government; a thorough reform of the civil service; the continuation of such duties upon foreign imports as will secure and enhance the prosperity of our domestic manufactures; the reduction of the scale of internal taxes to the lowest degree that would be adequate to the maintenance of the public credit and the gradual extinction of the national debt; the restoration of our foreign commerce; the extension of ample financial facilities for the requirements of business; the encouragement and regulation of immigration; the increase of the means of cheap land and water

transportation, with a view to the largest and most rapid development of the national resources; and such enforcement of the provisions of the amended Constitution as will preserve peace in the States and secure, beyond the touch of injustice and oppression, the rights of all citizens.

All the circumstances considered, I may, in this connection be excused for the indulgence of some brief personal allusions. In the administration of the Chief Magistracy, I have, with only good intentions, and unconscious of intentional error, to the best of my ability, endeavored to discharge the various duties that have devolved upon me, in such manner as to advance the public welfare, by condemning waste and extravagance, practicing economy, reducing taxation, paying the State debt, promoting the public health, advancing the cause of general education, cultivating humanity and charity, tempering justice from the fountain of mercy, maintaining the principles of the Constitution, and defending the honor and sovereignty of the State, and the rights and interests of her citizens.

During my administration the Legislature has been in session three hundred and eighty-seven days; in that time nine thousand two hundred and forty-two bills, and one hundred and fourteen resolutions, were passed, of which eight thousand eight hundred and forty-two bills, and one hundred and thirteen resolutions, received my approval; six became laws without my sanction, and three hundred and ninety were vetoed. The vetoes average a little more than one per diem during the sessions, and all of which, with the exception of four, were sustained by the Legislature. In addition to my six annual messages, I have also transmitted to the Legislature one hundred and five special communications.

The period for disconnecting my official relations

with the General Assembly having almost arrived, I may properly avail myself of this opportunity to acknowledge the general courtesy I have received from the successive Legislatures with whom I have had the honor to hold official intercourse, and to express the profound sense of gratitude I entertain toward the people of my native State, for the many honors they have conferred upon me, and still more for the steadfast confidence with which they have supported me, and sustained my administration.

To Hon. Francis Jordan, Secretary of State; Hon. Frederick Carroll Brewster, Attorney General; Hon. James P. Wickersham, Superintendent of Schools, and General Alexander Russell, Adjutant General, I tender my warmest and special thanks, for their hearty accord and energetic support. I owe them not only a debt of gratitude for their personal fidelity, but a sincere and heartfelt commendation to the people, for the able, efficient and eminently satisfactory manner in which they have performed all the duties that have been devolved upon them in their several departments. Col. Benjamin F. Lee, my Private Secretary, and his assistant, Col. William C. Armor, are deserving of honorable mention, for their zealous and faithful execution of my orders. My thanks are also due, and they are earnestly tendered, to the clerks and other appointees in the several departments, for their uniform courtesy, and the zeal manifested by them for the public good.

It affords me peculiar satisfaction to feel that my official honors and responsibilities are shortly to be transferred into the hands of a gentleman, who will sacredly guard the one, and faithfully discharge the other. Major General John F. Hartranft signally has illustrated his courage and patriotism on many fiercely contested fields of battle; and qualities, that have made his reputation as a soldier, have been no less

conspicuous in the pursuits of civil life. He will bring to the discharge of his duties a large and valuable experience in the management of public affairs; and all that is known of his antecedents may be regarded as a guaranty for that confidence of the people who have elevated him to the Gubernatorial Chair by so large a majority. I bespeak for him your hearty co-operation in guarding and advancing the public interests; and I earnestly invoke Heaven's choicest blessings upon the people of Pennsylvania—that their abundance may never be diminished—and that her honored name may shine in the galaxy of the American Union with increasing splendor forever.

JNO. W. GEARY:

Executive Chamber,

Harrisburg, Pa., January 8, 1873.

To the Assembly Vetoing "An Act to Repeal an Act, Entitled 'A Supplement to the Act to Consolidate and Revise and Amend the Penal Laws of this Commonwealth,' Approved March 31, A. D. 1860."

Executive Chamber,

Harrisburg, January 8, 1873.

Gentlemen:

**H**EREWITH IS RETURNED WITHOUT EXECUTIVE approval, to the Senate, in which it originated, bill, No. 566, entitled "An act to repeal an act, entitled 'A supplement to the act to consolidate and revise and amend the penal laws of this Commonwealth,' approved March 31 A. D. 1860."

This bill proposes to repeal the second section of the supplement to our penal laws, approved April 22, 1863. (P. L., 1863, p. 531.)

By its provision it is made indictable for any person "in the day time to break and enter any dwelling-house, shop, warehouse, store, mill, barn, stable, out-house or other building, or wilfully and maliciously, either by day or by night, with or without breaking, to enter the same with intent to commit any felony."

This provision would seem to supply a very important gap in the common law, and until further advised it would appear to be highly impolitic to allow dwellings and other buildings to be feloniously entered in the day time.

I have, therefore, felt constrained to invite your reconsideration of this bill.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Regulate the Election of Officers for the Borough of Mauch Chunk."

Executive Chamber,  
Harrisburg, January 8, 1873.

Gentlemen:

**H**EREWITH IS RETURNED WITHOUT APPROVAL, Senate bill No. 344, entitled "An act to regulate the election of officers for the borough of Mauch Chunk."

This is another of those local and special acts, and therefore wrong on general principles. The citizens of the borough to be effected by it protest against its approval, on the grounds, that it is unnecessary interference with their local affairs, and calculated, if not intended, to give to the minority one-half of the borough officers. The Protestants affirm they are in favor of the feature of minority representation proposed

by the bill, but insist it shall be applied, if at all, generally to the other boroughs and districts in the county, and not to this one borough alone. Out of deference to these objections by citizens to be affected thereby, and from the conviction that such laws should be general, the bill is returned to the House, in which it originated, without Executive approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Authorize the Town Council of the Borough of Middletown, Dauphin County, to Convert Certificates of Indebtedness into Bonds and Increase the Present Rate of Taxation for the Payment of the Same When Due."

Executive Chamber,  
Harrisburg, January 8, 1873.

Gentlemen:

**H**EREWITH IS RETURNED, WITHOUT APPROVAL, Senate bill No. 885, entitled "An act to authorize the town council of the borough of Middletown, Dauphin county, to convert certificates of indebtedness into bonds, and increase the present rate of taxation for the payment of the same when due."

On its face this bill does not seem unreasonable; but over three hundred of the citizens to be effected by it, have protested against it in writing, and some of its original friends now join in the request for its disapproval. Out of deference to the earnest and numerous protests of these interested parties, and without a discussion of the merits or demerits of the proposed law, I respectfully return it to the House in which it originated, for further consideration.

JNO. W. GEARY.

To the Assembly Vetoing "A Supplement to an Act, Entitled 'An Act Regulating Auctions in the City of Lancaster and Other Towns in this Commonwealth.'"

Executive Chamber,  
Harrisburg, January 8, 1873.

Gentlemen:

**S**ENATE BILL NO. 1576, ENTITLED "A SUPPLEMENT to an act, entitled 'An act regulating auctions in the city of Lancaster and other towns in this Commonwealth,' passed April 7, 1872," is herewith returned without approval. The first objection is, that no term is fixed for the auctioneer to be appointed. This the law should specify, whether for one, two, three or more years. Another objection is that the amount of twenty-five dollars fixed for the license is inadequate, and quite out of proportion to the rates fixed by law for other places. An auctioneer for the city of Williamsport pays one hundred and twenty-five dollars per annum; and the auction law for that city authorizes two auctioneers to be appointed. The bill under consideration only authorizes the appointment of one auctioneer for the city of Lancaster, who may sell in all the towns in that county; and yet the amount of license is only twenty-five dollars. As in most other matters of legislation equality is justice; and the inequality here is so great as to preclude Executive approval.

JNO. W. GEARY.

To the Assembly Vetoing "An Act Supplementary to an Act Changing the Name of the Elk Lick Coal, Lumber and Iron Company, to the Salisbury and Baltimore Railroad and Coal Company,' Approved the Seventeenth Day of February, Anno Domini One Thousand Eight Hundred and Seventy-one, Validating Subscriptions to its Stocks, Authorizing the Extension of Said Roads, the Connection with Other Roads, and Increase of its Capital."

Executive Chamber,  
Harrisburg, January 8, 1873.

Gentlemen:

**S**ENATE BILL NO. 1761, ENTITLED "AN ACT supplementary to an act changing the name of the Elk Lick coal, lumber and iron company, to the Salisbury and Baltimore railroad and coal company, approved the seventeenth day of February, Anno Domini one thousand eight hundred and seventy-one, validating subscriptions to its stocks, authorizing the extension of said roads, the connection with other roads and increase of its capital," is herewith returned without approval.

It is alleged to have been so altered in its passage through the Legislature, as to be of no practical value to its original friends or anybody else, and that it would be of no use to encumber the statute books with it.

JNO. W. GEARY.



To the Assembly Vetoing "An Act to Incorporate the  
Coudersport Savings Bank."

Executive Chamber,  
Harrisburg, January 8, 1873.

Gentlemen:

**S**ENATE BILL NO. 1001, ENTITLED "AN ACT  
to incorporate the Coudersport Savings Bank,"  
is herewith returned without approval, because  
no evidence has been produced of the publication of  
legal notice, as required by the twenty-fifth section of  
the first article of the Constitution, and by the first  
section of the act of first June, 1839.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act for the Better  
Maintenance of Public Roads in the Townships of  
Union and North Union in the County of Schuyl-  
kill."

Executive Chamber,  
Harrisburg, January 8, 1873.

Gentlemen:

**H**EREWITH IS RETURNED, WITH OBJEC-  
tions, Senate bill No. 1064, entitled "An act for  
the better maintenance of public roads in the  
township of Union and North Union, in the county of  
Schuylkill."

This is another specimen of special legislation; and  
I am by no means sure its approval would effect the  
object expressed in the title. The act of 17th Febru-  
ary, 1859, provides a general system of accountability  
for all borough and township officers in Schuylkill  
county, requires bonds and security from all who have  
the custody of public funds, and severely punishes for

neglect of official duty, for fraud and for embezzlement. It also repeals all former laws on these subjects, so far as applicable to that county. The present bill proposes a repeal of essential portions of the act of 1859, "so far as the said Union and North Union townships are concerned, and that instead thereof the supervisors of said townships shall be the collectors of the road taxes," &c. The law of 1859 bears evidence of having been carefully prepared; and the fact that it has remained unrepealed for thirteen years is strong evidence that it has worked satisfactorily. If, however, it be defective, why not repeal or modify it for the whole county instead of only for the two townships named? Is it not enough to have a separate code of laws for each county? Or is it desirable to have one for each township? Might not the proposed repeal relieve defaulting public officers, and their sureties, from all legal responsibilities, both civil and criminal, to the great prejudice of the public interests?

To these questions the bill furnishes no satisfactory answers; and for these reasons, and others given by intelligent citizens to be affected thereby, the bill is returned without approval.

JNO. W. GEARY.

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To the Assembly Vetoing "An Act to Create a Board of Fishery Commissioners, and to Provide for the Construction of Fish-ways and the Propagation of Fish, and Appropriating Money for the Same."

Executive Chamber,  
Harrisburg, January 8, 1873.

Gentlemen:

**A**FTER MOST CAREFUL AND ANXIOUS CONSIDERATION, I find myself unable to approve Senate bill No. 939, entitled "An act to create a Board of Fishery Commissioners, and to provide for

the construction of fish-ways and the propagation of fish, and appropriating money for the same."

An intelligent review of the subject requires a brief statement of the provisions of the bill.

Section 1. Prescribes punishment for having in possession or selling shad at improper seasons.

Section 2. Makes it a misdemeanor to fish between midnight of Saturday and sunrise on Monday morning.

Section 3. Provides punishment for trespassing upon fish preserves or ponds.

Section 4. Makes it unlawful to fish, except with hook, within half a mile of any artificial chute or fish-ladder.

Section 5. Appoints five fish commissioners for three years, defines their duties, and provides that they shall be paid all reasonable expenses.

Section 6. Authorizes the commissioners to open and have made all necessary fishways or ladders, as therein prescribed.

Section 7. Empowers the commissioners to appoint "fish-wardens or water-bailiffs," without any limit as to number.

Section 8. Authorizes co-operation with the State of New Jersey for the propagation of shad in the river Delaware.

Section 9. Extends the law against fish-baskets, &c., in force as to the Susquehanna, to all other streams of the Commonwealth.

Section 10. Empowers the commissioners to locate and purchase a State hatching and propagating establishment.

Section 11. Appropriates seventy thousand dollars (\$70,000) to further the objects of the bill, including ten thousand dollars (\$10,000) for the purchase of the hatching or propagating establishment.

Section 12. Requires that all dams, hereafter erected, shall be provided with proper fish-ways or ladders by their owners or builders.

Such is brief outline of the bill, and to my mind it is justly open to the following objections:

1. There is no occasion for five commissioners. This and other States have heretofore had but one, two, or at most three; and although they are only to be paid their necessary expenses, our experience in such matters demonstrates that the expenditures are liable to increase in a much greater proportion than the services rendered. In addition to this, it divides the responsibility too much; and for this reason a large board is generally less efficient than a smaller one.

2. Any legislation on this subject, involving the expenditure of so large an amount of money, should require that somebody should give security for its proper disbursement. This has been omitted in the bill under consideration.

3. It is believed the interests of the State do not require that any property for hatching or propagating purposes should be purchased at ten thousand dollars, as provided in this bill, or at any other sum. The fact that two of the commissioners named in the bill are owners of private establishments of this kind, is not calculated to recommend this feature of the proposed law. Such an establishment, if purchased, would be of no practical value, unless competent persons were appointed to run it; and the bill makes no provisions for such appointments; and if it did, it is apprehended the cost of such an establishment, under State management, would be much greater than any equivalent to be derived therefrom. The Congress of the United States, at its last session, appropriated fifteen thousand dollars (\$15,000) "for the introduction of shad into the waters of the Pacific States, the Gulf States and the Mississippi valley, and of the salmon, white fish and other useful fishes into the waters of the United States to which they are best adapted." This State should avail herself of her share of this appro-

priation; and this, with the present reduced prices of spawn, would enable millions of the several varieties to be procured from time to time, at less than half the amount provided by this bill for the mere purchase of a place in which to propagate. This strikes me as an unwise, improvident and unnecessary expenditure.

4. But the most objectionable feature of the whole bill is that embraced in the sixth and seventh sections. The latter appropriates seventy thousand dollars, (\$70,000,) ten thousand of which are for the hatching establishment, and the residue for the construction of fish-ways or ladders in existing dams. The sixth section provides that one of these fish-ways or ladders shall be upon the Columbia dam, one upon the Clark's Ferry dam, one upon the Shamokin dam, and one upon, not exceeding the three first dams, the West Branch of the Susquehanna river above its confluence with the North Branch, and one upon each of the first four dams occurring upon the Juniata river above its confluence with the Susquehanna, and one upon each of the first four dams above the mouth of the river Lehigh.

Here are fourteen dams in which it is proposed to have constructed the necessary fish-ways or ladders for the passage of fish; and the eleventh section of the bill provides that after the appropriation of the ten thousand dollars for the hatching establishment, the remaining sixty thousand dollars, (\$60,000,) or as much thereof as may be necessary, shall be applied in equal amounts to the construction of the fish-ways on said three streams.

Now, it must be borne in mind, that this getting of fish over dams in this way is an experiment; and so far as Pennsylvania is concerned, an unsuccessful experiment. Acts of the Legislature, requiring the owners of dams upon the Susquehanna and its tributaries to construct such fish-ways or ladders as the fish commissioners should prescribe, were approved March 23,

1865, and March 30, 1866; and under the latter act the owners of the lower, or Columbia dam, complied with the requirements of the law. Col. James Worrall, fish commissioner, in his annual official report of December 3, 1866, on this subject, makes the following statement:

“The Susquehanna canal company owning the dam at Columbia, however, have complied with the law in every respect, as far as I was able to direct them how to do so.”

This report gives in detail the care and diligence with which the plans and specifications for the fish-ways were prepared; and commands the faithfulness and skill with which the owners of the dam carried them out, at an expense of about five thousand dollars. This was seven years ago, and yet where is the evidence that the fish ever got over the dam, or that the device was of any practical value for the purposes intended? In the spring of 1867 a few shad were caught between the Columbia and Clarks Ferry dams; but it turned out afterwards that a breach had been made in the Columbia dam the preceding winter or spring, by the high water and ice; and the fact that no fish of any consequence have been caught there since affords but too good evidence that those caught in 1867 got up through the breach, and not through the fish-way, or up the artificial ladder. All efforts, therefore, to get the shad over this lower dam have resulted in failure, and all moneys expended for that purpose have been lost. If the fish could not be persuaded to come up over the fish-way or ladder prepared for the purpose seven years ago, where is there any evidence on which to believe they would come up if an additional fish-way were now constructed for them? And if they can not be got over and above this lower dam, what can be the use in opening the upper dams, to which the fish can have no access? It will be time

enough to commence opening the upper dams when it has been satisfactorily demonstrated the fish can be got above the lower ones. Yet this bill provides that the sixty thousand dollars "shall be applied in equal proportions to the construction of fish-ways" in these whole fourteen dams. If this experiment were permitted, the result would probably be, judging from our past experiences, and the best lights we have, that considerable progress would be made on all the dams, and the whole of the money exhausted before the work on a single one of the dams would be completed; and the Legislature would then be called on for additional appropriations. And if the upper dams were all completed, (as they possibly could be with their "equal" share of the money on the smaller streams,) of what practical value or utility would they be, with the lower dams incomplete, or even complete and not passable by the fish? If deemed advisable to undertake this work at all, let it be begun on the lower dams first; and let it be thereby demonstrated, if it can be, that the fish can be got over them. To finish the upper dams first, as this bill practically directs, is commencing at the wrong end; and certainly involves a very large expenditure of money, with very doubtful results. It is unwise and dangerous legislation to confer powers and privileges to do wrong, and then to assume they will not be exercised to the damage of the public.

These objections are to my mind so unanswerable, it is considered unnecessary to enumerate others.

I regret the necessity which compels me to return the bill with these objections. The subject is an important one, and I am in cordial sympathy with the friends of this movement for the culture of fish, and for their restoration to the waters of the State; and will heartily approve all properly guarded legislation for these purposes. Most of the sections of this bill

are unobjectionable; and I especially commend that which proposes co-operation with our sister State of New Jersey. But when seventy thousand dollars are appropriated from the Public Treasury for this, or any other purpose, I shall insist that it shall be done in such form, and under such regulations, as will probably effect the purposes intended.

JNO. W. GEARY.

Proclamation Concerning the Amendment to the  
Constitution Relating to the State Treasurer.

[Signed] Jno. W. Geary.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylvan-  
ia. JOHN W. GEARY, Gov-  
ernor of the said Common-

wealth.

To all to whom these Presents shall Come,

Sends Greeting:

A PROCLAMATION.

Whereas, In and by the third section of An act of the General Assembly, relating to the election of State Treasurer, entitled "An act prescribing the time and manner of submitting to the people, for their approval and ratification or rejection, a proposed amendment to the Constitution," approved the eleventh day of April, Anno Domini one thousand eight hundred and seventy-two, it is provided "That it shall be the duty of the Secretary of the Commonwealth on the second Tuesday of January, in the year of our Lord one thousand eight hundred and seventy-three, at twelve o'clock M., on that day, to deliver to the





Speaker of the Senate, or the Speaker of the House of Representatives, the returns of the said election, from the several counties of this Commonwealth; and the same shall, on the same day and hour, be opened and published in the presence of the Members of the Senate and House of Representatives, and the votes given for or against said amendment shall be carefully summed up and ascertained, and duplicate certificates of the result shall be signed by the Speakers of the two Houses; one of said certificates shall be delivered to the Secretary of the Commonwealth, who shall cause the same to be recorded and filed in his office, and the other of said certificates shall be delivered to the Governor, who shall forthwith issue his Proclamation, declaring whether said amendment has been approved and ratified by a majority of the qualified voters of the State voting therefor."

And whereas, The above and foregoing provisions and requirements have been fully complied with, and it appears from certificate delivered to me, that six hundred and eighty-one thousand six hundred and twenty (681,620) votes were given for the Amendment, and four thousand three hundred and ninety-three (4,393) votes against the amendment.

Now Therefore, I, JOHN W. GEARY, Governor as as aforesaid, have issued this my Proclamation hereby publishing and declaring that the said amendment relative to the election of State Treasurer, has been approved and ratified by a majority of the qualified voters of the State voting therefor.

Given under my Hand and the Great Seal of the State, at Harrisburg this Fourteenth day of January, Anno Domini one thousand eight hundred and seventy-three and of the Commonwealth the ninety-seventh.

By the Governor.

Francis Jordan,  
Secretary of the Commonwealth.

To the Assembly Recommending Legislation to Authorize the Governor to Appoint Trustees for the Hospital for the Insane at Danville.

Executive Chamber,  
Harrisburg, January 14, 1873.

Gentlemen:

I AM SOLICITED TO APPOINT TRUSTEES OR managers for the hospital for the insane at Danville; but upon examination can find no law conferring authority to make such appointments. This would seem to be an oversight on the part of the Legislature, and it is considered of sufficient importance to invite your early attention to the subject. The act of 14th April, 1845, provides for the appointment of nine trustees for the general supervision and management of the hospital for the insane, near Harrisburg, and the act of 19th March, 1856, makes it the duty of the Governor to appoint, annually, three managers for the Western Pennsylvania Hospital. As the hospital at Danville has been erected by the State at great expense, and has been open for the reception of patients for several months, it would seem reasonable that so important an institution should be under the supervision and management of some competent board, chosen by the State for that purpose; and I recommend the necessary legislation.

JNO. W. GEARY.

To the Senate Nominating John McCurdy Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, January 14, 1873.

Gentlemen:

I HEREBY NOMINATE, SUBJECT TO THE ADVICE and consent of the Senate, John M'Curdy, Esq., of the county of Cumberland, to be Superintendent of Public Printing, from the fifteenth day of July, A. D. 1872, to the fifteenth day of July, A. D. 1873, agreeably to the provisions of an act of the General Assembly, approved the 9th day of April, A. D. 1856, entitled "An act relating to public printing."

JNO. W. GEARY.

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To the Senate Nominating Rudolph F. Kelker a Trustee of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 14, 1873.

Gentlemen:

I DO HEREBY NOMINATE, FOR THE ADVICE and consent of the Senate, in conformity with the requirements of the fifth section of the act of the General Assembly, approved April 14, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, Rudolph F. Kelker, Esq., of the county of Dauphin, to be a trustee of the Pennsylvania State Lunatic Hospital, for the unexpired term of J. C. Bomberger, Esq., resigned.

JNO. W. GEARY.

To the Senate Nominating Thomas C. MacDowell,  
Commissioner of Labor Statistics and Agriculture.

Executive Chamber,  
Harrisburg, January 14, 1873.

Gentlemen:

UNDER AUTHORITY OF AN ACT OF THE GENERAL Assembly, entitled "An act to provide for the establishment of a Bureau of Statistics on the subject of labor, and for other purposes," approved the 12th day of April, A. D. 1872, I appointed Thomas C. MacDowell, of the county of Dauphin, on the 4th day of May, A. D. 1872, Commissioner of Labor Statistics and Agriculture, for the term of two years, and in compliance with the provision of said act of the General Assembly do hereby submit said appointment to the Senate for confirmation.

JNO. W. GEARY.

To the Senate. Nominating Certain Persons Major  
Generals of the National Guard of Pennsylvania.

Executive Chamber,  
Harrisburg, January 14, 1873.

Gentlemen:

ON THE FIRST DAY OF NOVEMBER, A. D. 1872, I appointed Jacob S. Winans, of the county of Beaver, to be Major General of the Nineteenth division of the National Guard, composed of the counties of Butler, Beaver, Mercer and Lawrence, for the term of five years, to rank from date of appointment.

And at the same time I appointed D. Stewart Elliott, of the county of Bedford, to be Major General of the Sixteenth division of the National Guard, composed

of the counties of Bedford, Somerset, Blair and Fulton, for the term of five years, to rank from date of appointment.

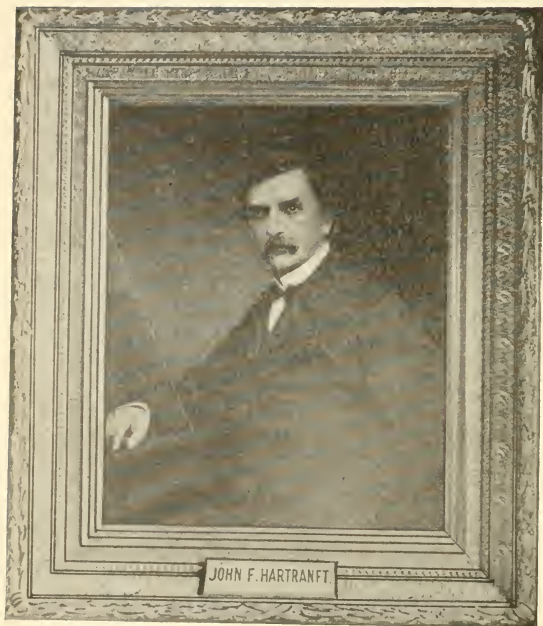
On the 27th day of December, A. D. 1872, I also appointed Charles M. Prevost, of the city of Philadelphia, to be Major General of the First division of the National Guard, composed of the city and county of Philadelphia, for the term of five years, to rank from December 27, 1867.

These appointments are subject to the advice and consent of the Senate, and are hereby submitted for such advice and consent.

JNO. W. GEARY.







*J. F. Hartranft*



JOHN FREDERICK  
HARTRANFT,  
Governor of the Common-  
wealth.  
1873-1879.



Chapter II.

JOHN FREDERICK HARTRANFT,

Governor of the Commonwealth.

1873-1879.

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EXPERIENCE IN COMMAND OBTAINED IN military service is a most excellent preparation for gubernatorial administration, as has been shown in the large number of the occupants of the cunile chair of this Commonwealth who have achieved eminence in military circles. With none is this fact more conspicuous than with the eminent soldier who not only won renown in the War of the Rebellion, but who for many years commanded the National Guard of the State with exceptional wisdom and ability.

Born in Montgomery county, of German ancestry, in 1830, educated at Marshall and Union Colleges, he contemplated the profession of civil engineering, which he relinquished, however, in deference to the wish of his father. In the summer of 1854, he was appointed deputy sheriff of his county, a position which he held for two terms, meanwhile reading law, so as to be admitted to the bar in 1859. He was active in militia matters and at the outbreak of the war

was colonel of the First Regiment of Montgomery County Militia, an organization, which at once offered its services to the nation and was at once accepted.

The enlistment of the regiment having expired before the Battle of Bull Run, it was mustered out, but its Colonel remained in the field on the staff of General Franklin. In 1861 he organized the 51st Pennsylvania Infantry and was assigned to Burnside's command, with which he participated in the North Carolina expedition of 1862. At Antietam he led the famous charge that carried the stone bridge, and was recommended for promotion. He was soon placed in command of a brigade, then of a division, but was not commissioned Brigadier General until May 12, 1864, the date of the battle of Spottsylvania, in which he was a conspicuous figure. He was breveted Major General for "conspicuous gallantry in recapturing Fort Steadman" in 1865, and at the close of the war was tendered a colonelcy in the regular army, which, however, he promptly declined.

From 1860 to 1870 he was Auditor General of the State, and from 1873 to 1879 he was Governor of the Commonwealth. Probably the most important event of his administration was the Constitutional Convention which, although it had its first meeting in 1872, had its final and decisive sessions in January, 1873, its product being adopted by an enormous majority of the popular vote the following December.

The year 1876, the centennial year of American Independence, was of particular interest to the State of Pennsylvania in which the Continental Congress met for years and in the principal city of which the Declaration of Independence was adopted. The international exhibition held at Philadelphia in honor of the anniversary ranks among the greater exhibitions of the world's history and was a worthy memorial of the mighty event which it signalized.

The year 1877 was memorable for a well-organized and widespread railroad strike involving nearly the entire country, but especially violent in character in Pennsylvania. Here the military experience of the Governor was of the utmost value, for he at once mobilized the entire National Guard and called for regular troops, by the use of which the disturbances were promptly suppressed and quiet rapidly restored.

Upon retiring from the Governorship in 1879 he removed to Philadelphia where he was appointed Postmaster, an office which he continued to occupy until 1880, when he became collector of that port, continuing until 1885. He was the commanding general of the National Guard, with the rank of Major General from 1879, the date of his retirement from the Governorship, until his death, which took place at Norristown on the 17th of October, 1889. His memory is perpetuated by a magnificent bronze equestrian statue set up on Capitol Hill in front of the main entrance

to the Capitol building. He was Governor from January 21, 1873, to January 18, 1879.

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### Inaugural Address to the Assembly.

Gentlemen of the Senate and House of Representatives, and Fellow-Citizens:

**P**ERMIT ME, THROUGH YOU, TO TENDER MY heartfelt thanks to the people of this Commonwealth for their partiality in selecting me as their Chief Magistrate.

In obedience to law I have appeared before you to pledge my fidelity to the Constitution. Its obligations and the responsibilities it imposes are, I hope, fully realized. In the administration of public affairs, it is my earnest prayer that I may be guided by Divine wisdom, and that all my actions may reflect the people's will.

My predecessor presented, in his annual message, his recommendations, and much valuable information, so fully and so well, that it appears unnecessary to enter into details. My views are in accord with the general policy of the State administration for the past few years, although I believe some changes might be for the public good, and to these I shall briefly allude. Having been closely connected with the finances of the State since 1866, I speak knowingly when I say that the revenues have been faithfully collected; extravagant appropriations have been avoided; taxation has been equalized by the repeal of the most burdensome taxes; and, by strict economy and good management, the public debt has been largely reduced. The policy of paying off the entire indebtedness of the State is, I believe, fully endorsed by the tax-payers, and it shall

be my aim to adhere to that policy. The public debt, however, decreasing while the revenues are increasing, it occurs to me that a further reduction of the latter should be made during the current session of the Legislature. The increase of the value of our real estate and the products of our manufactories, the steady development of our resources, and the expansion of our railway system, are rapidly enriching our people. If we measure the aggregate of our wealth and its growth upon the basis of the late census, we can readily understand how a lighter tax imposed upon the present taxed property will meet all our necessities in the future; provide an ample fund for the liquidation of our debt, and give a decided impulse to the useful enterprises thus relieved. I sincerely trust, however, that in any attempt to lessen the burdens of taxation, the Legislature will exercise a wise discretion, and properly discriminate in favor of our industrial interests.

In every part of this Commonwealth are found rich deposits of minerals. To make them available and productive should be our earnest aim, and shall receive a large share of my attention. It can alone be done by the intelligent employment of labor and capital. This is an object of immense interest, and can best be subserved by first providing the highest possible knowledge of the character and location of the most valuable minerals. Labor can be made inviting, by making it remunerative. Its profits must depend largely upon the measure of protection accorded by Congress to our home industries, a question which may safely be committed to our Representatives in the National Legislature. Capital is the water for the wheel, and should be abundant, and the rates of interest should be easy for active and wholesome enterprise, and whatever legislation will best serve this end, should receive general support. Money will always

seek the highest rates, the security being the same; and for that reason it now gravitates to neighboring States, where the legal rates are higher than our own. If we cannot remove our restrictions and make money as free as any other commodity, at least, let us permit the same rate as allowed by other States, and thereby retain it within our borders.

It will be my pleasure, as it is my duty, to have a watchful care over the school system of our State. No part of our governmental policy should command the employment of more wisdom than that which is to promote the instruction of our youth. It is a source of pride and satisfaction that our people contribute so freely to an object so worthy as our schools, and the report of the Superintendent of the Common Schools must convince every reader of the happy results accruing from the judicious management of our educational system. But while the doors of our schools are opened wide to every one, it is sad to think, that there are 75,000 children in the State who do not, whether prevented by the necessities of their parents or otherwise, attend and receive the blessed privileges of these schools. This is a matter of grave import, and exacts of us all, people and Legislature alike, earnest and thoughtful consideration.

In this connection, let me say a word in regard to a subject that has often engaged my thoughts, and to which I invoke the attention of our law makers. No part of our system of education has secured so universal commendation as that which is embraced in the circle of instruction of those who were made orphans by the casualties of war. The helpless condition of these little ones touchingly appealed to the hearts of our people, and the response was the establishment of the orphans' schools, that are now the pride of our State. But in rescuing these children



from destitution, and providing for their education until they have attained the age of sixteen years, have we filled the measure of our duty to them?

Thrown out into the world to do battle with life's trials at an age peculiarly dangerous to youth, does not common humanity require that the State should maintain its guardianship of these children until their habits are somewhat settled, and they have acquired the ability to earn their own livelihood? The establishment of industrial schools, wherein useful trades may be taught, seems to promise the easiest and best solution of this problem.

It is highly important, that in times of insurrection and riot, there should be at command a good and efficient force of militia to assist the civil power to protect property and maintain its authority. To create such a force it seems absolutely necessary that the State must extend its aid in a more substantial way to those who enlist in her service. The fines for the non-performance of militia duty are obnoxious to many of our best citizens, and yield at best but a slender revenue, and that too, on a wrong basis, for property, and not the individual, should be taxed. The military should be well distributed throughout the State, and the number of companies limited, and within the limit, to make them efficient, every company accepted, when found to be up to the proper standard of numbers, drill and discipline, should receive directly from the public Treasury at least \$500 per annum.

#### INSURANCE.

The fire and life insurance companies are making an effort to secure uniform legislation in all the States, and the States having a large home interest in insurance, have been the first to adopt that principle. To impose heavy fees and taxes upon insurance companies incorporated in other States, and doing business in

this, re-acts upon the home companies, by reason of the reciprocal laws of those States. If it is deemed desirable to protect and foster the home insurance interest, already too long neglected, let uniform laws be enacted. To me, it seems this interest is of sufficient importance to warrant the temporary loss of a portion of the revenue now received from the foreign companies. The revenues from our own companies will increase, by reason of their enlarged business, and we will thus be compensated for such temporary loss.

#### \* CENTENNIAL.

The necessity for immediate action on the part of our people to insure the success of the Centennial exhibition must be realized by every thinking man. Its failure will be to our lasting shame—its success must redound to the honor and permanent benefit of the Commonwealth. Located in our metropolis which is fast moving to the front of the manufacturing cities of the world, affording an opportunity to display the products and resources of our State, and opening to foreigners new channels of information as to our character and enterprises, it certainly is the imperative duty of every citizen who loves his State to lend his countenance and support to this great exhibition. The dignity and good name of the Commonwealth are at stake. Let us not forfeit these by a lack of public spirit, or by mistaken economy. Any proper plan the Legislature may see fit to adopt to aid this National undertaking shall receive the hearty concurrence of the Executive.

#### CONSTITUTIONAL REFORM.

The subject of constitutional reform is now occupying a large share of public attention. Opinions are various as to its propriety or necessity, as the views of men are conservative or progressive. There is now,

however, in session in Philadelphia, a Convention of respectable and honorable gentlemen, fresh from the people and authorized by them to revise the Constitution. To these gentlemen we confidently refer these questions of constitutional reform, in the belief that out of their combined integrity and wisdom will spring such measures as will best conduce to our safety, happiness and prosperity.

#### SPECIAL LEGISLATION.

There is one paramount and growing evil, however, to which, by my oath as your Executive, and my sense of duty as a citizen, I am constrained to ask your serious attention. I allude to special legislation or the abuse of legislative power, to further particularize local and private ends to the exclusion of public business. I cannot condemn this evil in language too strong, and it seems but the part of common sense, that some positive restriction be put upon legislation that will confine it to public objects and make its enactments uniform and general.

#### PARDONING POWER.

There is another subject to which I may be permitted to advert, because it concerns one of my most important functions. I refer to the pardoning power. The exercise of this power rests exclusively within the discretion and conscience of the Executive; and when we consider the importunities of the friends of a condemned man, and their natural inclination to use every influence to obtain a pardon, it must be conceded that this power is a trying and dangerous one with which to invest any individual. Any provision that would relieve the conscience and divide the responsi-

bility of the exercise of this power, must surely commend itself to the good sense of our people.

#### SINKING FUND.

There is a popular demand, too, that the Sinking Fund, containing bonds that represent the proceeds of the sale of public works, and which are applicable alone to the payment of the public debt, shall be kept sacred for the purpose to which it is dedicated, and that the safeguards of this fund shall be made so strong as to protect it from every encroachment, however, ingeniously planned or powerfully supported. To this demand the Constitutional Convention will doubtless respond, and for myself, I may be permitted to say, that no legislation impairing the security of this fund, or changing its character, can ever receive my sanction.

In view of the prospect that the Legislature will, after this session, be divested of its power to legislate for special objects, a popular apprehension is prevailing that interested parties will push their schemes at this juncture, and make extraordinary efforts to control legislation. I deem it my duty to impress upon the Legislature the necessity of examining with more than ordinary care every measure submitted for their consideration.

#### BOARD OF PUBLIC CHARITIES.

Too much praise cannot be accorded to the honorable and humane gentlemen who constitute the Board of Public Charities for their valuable services, gratuitously bestowed, in supervising the manifold and important public trusts the State has confided to their care. I take great pleasure in inviting the attention of the Legislature to the suggestions and work of this excellent board, and shall unite in any plan that will help these gentlemen to accomplish their beneficent designs.

We have great cause for thankfulness, my fellow-citizens, when we contemplate the happy and prosperous condition of our country. Recuperating rapidly from the ravages and waste of our great civil war, she is moving forward to a new era of progress and development. And in this march to a higher destiny in which all the States are united, Pennsylvania should have a place in the van, a position to which she is entitled by the intelligence and character of her citizens, the magnitude of her resources, the extent of her industrial interests, and the grand record of her patriotism. To maintain this position for our proud old Commonwealth, will be the constant endeavor of your Executive, and to strengthen his arm and enlarge his understanding, he asks the support and counsel of all good citizens, and humbly implores the aid and guidance of Him who is the Supreme Ruler.

J. F. HARTRANFT.

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To the Speaker of the Senate Giving Notice of the Appointment of Matthew S. Quay to be Secretary of the Commonwealth.

Executive Chamber,

Harrisburg, January 22, 1873.

To the Hon. George H. Anderson,  
Speaker of the Senate:

Sir:

**B**E PLEASED TO INFORM THE SENATE OF Pennsylvania that I have this day appointed and commissioned Matthew S. Quay, Esquire, of Beaver, Beaver county, to be Secretary of the Commonwealth, agreeably to the eighth section of the second article of the Constitution.

I have the honor to be, sir,

Your obedient servant,

J. F. HARTRANFT.

To the Speaker of the Senate Nominating Samuel  
E. Dimmick Attorney General.

Executive Chamber,

Harrisburg, January 22, 1873.

To the Hon. George H. Anderson,

Speaker of the Senate:

**B**E PLEASED TO INFORM THE SENATE OF  
Pennsylvania that I have this day appointed  
and commissioned Samuel E. Dimmick, Esquire,  
of Honesdale, Wayne county, to be Attorney General  
of the State of Pennsylvania.

I have the honor to be, sir,

Your obedient servant,

J. F. HARTRANFT.

To the Senate Withdrawing the Nomination of  
Thomas C. MacDowell as Commissioner of Labor  
Statistics and Agriculture.

Executive Chamber,

Harrisburg, January 22, 1873.

Gentlemen:

**I** DO HEREBY WITHDRAW THE APPOINT-  
ment of Thomas C. MacDowell as Commissioner  
of Labor Statistics and Agriculture, made by my  
predecessor on the 4th day of May, A. D. 1872, and sub-  
mitted to the Senate for confirmation on the 14th day  
of January, A. D. 1873, in compliance with the pro-  
visions of the first section of an act of the General As-  
sembly, entitled "An act to provide for the establish-  
ment of a Bureau of Statistics on the subject of labor,  
and for other purposes," approved the 12th day of  
April, A. D. 1872.

J. F. HARTRANFT.

To the Senate Nominating Thomas J. Bigham Commissioner of Labor Statistics and Agriculture.

Executive Chamber,  
Harrisburg, January 22, 1873.

Gentlemen:

**U**NDER AUTHORITY OF AN ACT OF THE GENERAL Assembly, entitled "An act to provide for the establishment of a bureau of statistics on the subject of labor, and for other purposes," approved the 12th day of April, A. D. 1872, I hereby appoint Thomas J. Bigham, Esquire, of the county of Allegheny, Commissioner of Labor Statistics and Agriculture, for the period of two years; and in compliance with the provisions of said act of the General Assembly do hereby submit said appointment to the Senate for confirmation.

J. F. HARTRANFT.

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To the Senate Nominating Colonel Wm. J. Bolton a Major General of the Second Division of the National Guard of Pennsylvania.

Executive Chamber,  
Harrisburg, January 24, 1873.

Senators:

**I** HAVE APPOINTED COL. WM. J. BOLTON, OF the county of Montgomery, to be Major General of the Second Division of the National Guard of Pennsylvania, composed of the counties of Bucks, Montgomery and Delaware; and in accordance with the provisions of the act of May 4, A. D. 1864, entitled "An act for the organization, discipline and regulation of the militia of the Commonwealth of Pennsylvania," said appointment is hereby submitted for the advice and consent of the Senate.

J. F. HARTRANFT.

To the Senate Nominating Trustees of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, February 10, 1873.

Gentlemen:

I HEREBY NOMINATE AND APPOINT, SUBJECT to the advice and consent of the Senate, in conformity with the requirements of the fifth section of the act of the General Assembly of the 14th day of April, A. D. 1845, establishing an asylum for the insane poor of the Commonwealth, the following named persons to be trustees of the Pennsylvania State Lunatic Hospital, for the term of three years, to be computed from the 7th day of the present month, viz: George Bergner, Henry Gilbert and William Colder, Esquires, all of the county of Dauphin.

J. F. HARTRANFT.

To the Assembly Announcing the Death of Ex-Governor John W. Geary and Recommending Appropriate Marks of Respect.

Executive Chamber,  
Harrisburg, February 10, 1873.

Gentlemen:

IT IS WITH PAIN AND SORROW THAT I ANNOUNCE to your honorable bodies the sudden and unexpected decease of the Ex-Governor of Pennsylvania, Major General John W. Geary.

Stricken down without a moment's warning, in the prime of his life and intellect, leaving a large family bereft of his care and support, his death appeals to, and enlists our warmest sympathies.



Conspicuous as a citizen, distinguished as a soldier, and eminent as a public man, it is fitting that the State, in some public manner, should manifest her appreciation of his services, and, as a part of this public recognition, I respectfully recommend that the State, through its representatives, if not incompatible with the wishes of the family, take charge of the funeral of the deceased, and defray all the expenses incident thereto.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Relative to the Election of Town Councilmen in the Borough of Connellsville, Fayette County."

Executive Chamber,  
Harrisburg, February 17, 1873.

Gentlemen:

**H**EREWITH IS RETURNED TO THE SENATE, in which it originated, bill No. 23, entitled "An act relative to the election of town councilmen in the borough of Connellsville, Fayette county."

The object of this act is to repeal, so far as relates to the borough of Connellsville, the third section of the act of June 2, 1871, entitled "An act for the further regulation of boroughs," which provides for a uniform method of voting in the election of members of council in the boroughs of this Commonwealth, under what is known as the cumulative system. Without intimating any opinion upon the policy of this system, I cannot approve of the bill, for the reason that it is designed to except a particular borough from the operation of a general law of the Commonwealth. Only extraordinary circumstances, in my judgment, can justify this form of legislation, and no argument is offered in support of the bill which

will not apply with equal force to the method of voting in any other borough, except that the people of Connellsville prefer the system of voting in the election of councilmen which prevailed prior to the act of 1871. If the act of 1871 is a wise enactment, and salutary in its results, the borough of Connellsville should not be deprived of its benefits; if it is not, it should be repealed generally, and not for the borough of Connellsville alone.

J. F. HARTRANFT.

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To the Senate Returning for Amendment "A Supplement to an Act Incorporating the Pennsylvania Railroad Company."

Executive Chamber,  
Harrisburg, February 18, 1873.

Gentlemen:

**I**N COMPLIANCE WITH THE REQUEST CONTAINED in a concurrent resolution of the Senate and House of Representatives, I herewith return to you for amendment, House bill No. 275, entitled "A further supplement to the act incorporating the Pennsylvania railroad company, authorizing an increase of its capital stock, the issue of bonds, and the securing of the same by mortgage."

J. F. HARTRANFT.

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To the Assembly Transmitting the Address of the Meade Memorial Executive Committee.

Executive Chamber,  
Harrisburg, February 24, 1873.

Gentlemen:

**I**HAVE THE HONOR TO SUBMIT HEREWITH the address of the Meade Memorial Executive Committee, which "invites legislative action and co-operative aid in the erection of an historical col-

umn, with an equestrian statue, upon the field of Gettysburg, as a memorial of Major General George G. Meade, the Commander-in-Chief of the Army of the Potomac in the battle."

The plans of the committee are fully developed in the accompanying address, and it is proper to observe that several of the States, through their legislatures, at the instance of their Executives, have already moved in support of this project.

The purpose of the committee, prompted by an impulse of patriotism and gratitude, is a noble one, and I commend it to your honorable bodies for such action as they see fit, in order to obtain for Pennsylvania a place in the proposed memorial consistent with the dignity of the State, and the splendid record made by her distinguished son in the memorable battle of Gettysburg.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Mifflinburg Bank."

Executive Chamber,  
Harrisburg, March 3, 1873.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 73, entitled "An act to incorporate the Mifflinburg Bank."

The bill provides the capital stock shall be fifty thousand dollars, with privilege of increasing the same, from time to time, by a vote of the directors, to two hundred thousand dollars. No provision is made as to time of payment of the stock, other than that the directors are empowered to require the payment "at

such time and in such proportion as they may think proper." This I consider highly objectionable. Sound banking, as well as protection to the community in which it is located and with which doing business, demand a proper definite amount of capital to be paid in before commencing business, and the balance within a reasonable time thereafter, not to exceed one year, and the same as to any increase of capital stock. The bank incorporated by this bill has all the powers conferred upon savings banks, and perhaps in its business operations would invite and receive large amount of deposits—often the savings of persons of limited knowledge and means—it certainly is the duty of the Commonwealth in creating these institutions, and thereby conferring upon them a credit which otherwise they would not enjoy, to guard them with proper limitations and restrictions for the security of depositors. It is a duty she owes to herself and especially to those who may, perhaps, be led thereby to entrust to their keeping their hard earned savings. One way of so doing is to require their capital stock to be paid in money, a part when they go into operation and the balance within a reasonable time thereafter. Those upon whom the privileges and profits are conferred should be required to incur some risk, and not the depositors to incur it all. Again, I object to the provision authorizing the stock to be disposed of "at such price as the directors may name." It should be at not less than its par value. Stock issued by a bank should represent capital paid in, and in amount what it purports to represent.

Again, the personal liability of the stockholders should be in an amount double the amount of stock not only held but subscribed by them and not issued.

Again, the provision empowering the bank with "the right to hold in trust or as collateral security, for loans, advances or discounts, estate, real, personal or

mixed;" this provision is repugnant to legitimate banking and public policy, akin to pawn brokerage.

By the provisions of this bill, it is empowered to buy, sell, draw or negotiate bills of exchange, bonds and other securities "at such rates as maye be agreed on." In effect, to charge and receive whatever rate of interest it may demand, and the borrowers' necessities may compel him to pay. It is empowered to do what, by the laws of the Commonwealth, is denied to its citizens—to receive interest of a borrower at a rate over six per cent. Why should this privilege be extended to a bank, an artificial person, which by the laws of the Commonwealth is refused to a natural person, one of her citizens? It certainly is indefensible in principle and policy. A private citizen having money to loan should enjoy equally with a private corporation the privilege of receiving whatever rate of interest the borrower is willing to pay, and yet the law prohibits the former from so doing; why should it be extended to the latter? Rates of interest are established by law, based and maintained upon public policy, upon what principle can a State, having such a law thus founded, create corporations to violate it? Every such creation is an indirect, if not open violation of a general law thus founded for the common welfare of all her citizens.

Its effect is pernicious. Men of capital, who heretofore loaned their moneys at the rate allowed by law, are organizing, or attempting so to do, banking corporations with power to charge and receive whatever rate of interest the borrowers' necessities may induce or oblige him to pay. Capital is passing from the hands of individuals into that of banking associations, as is evidenced by the unprecedented increase in banking corporations within this Commonwealth the past three or four years, and the present increasing demand therefor. They are to be found in nearly every

part of the Commonwealth, absorbing the greater part of the capital of its citizens, not otherwise employed, and will continue to increase and multiply in proportion as their powers are enlarged and all lawful and proper restraints withheld. The needy borrower will soon have no other resort to satisfy his pressing demands but to these banks, and to pay such rate of interest as they may demand. Such, in my judgment, will prove the result of creating banking corporations with powers such as are conferred by this bill, and to which I cannot give my approval.

I am not unmindful of the benefits to be derived from capital, how essential it has been, is and will continue to be in the development of the unrivalled mineral and agricultural wealth of our Commonwealth, in the promotion of her industrial pursuits and general welfare of her citizens, and, whilst thus mindful, I feel we should not be unmindful of those who are not its possessors, that whilst ready to give to capital every reasonable protection we should extend like protection to the needy borrower.

J. F. HARTRANFT.

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To the Assembly Vetoing a "Joint Resolution Appropriating Money out of the State Treasury to pay the Public Printer for Publishing the Journal and Debates of the Constitutional Convention."

Executive Chamber,  
Harrisburg, March 1, 1873.

Gentlemen:

HEREWITH RETURN, WITHOUT APPROVAL, joint resolution No. 537, originating in the Senate, entitled "Joint resolution appropriating money out of the State Treasury to pay the Public Printer for publishing the Journal and Debates of the Constitutional Convention."

The people of this Commonwealth having declared by their votes for the calling of a convention to amend its Constitution, the Legislature, in pursuance and recognition of the will of the people thus expressed, by an act, entitled "An act to provide for calling a convention to amend the Constitution," approved April 11, 1872, provided for the election of delegates thereto, the time and place of their meeting, and by section seven of said act, provided the compensation to be paid to the members, "the clerks and other officers to be allowed such compensation as the convention shall direct. Warrants for compensation of members and officers, and for all proper expenses of the convention, shall be drawn by the president, and countersigned by the chief clerk, upon the State Treasurer for payment."

The power of the convention to incur such expenses as to it shall seem proper is comprehensively expressed and mode of their payment clearly defined and provided, "by warrant drawn by the president, and countersigned by the chief clerk, upon the State Treasurer" the wisdom of which is clear. A convention thus called should have, not only power to regulate its expenses but equally to provide for their payment, and this should be exclusive, becoming the dignity of so honorable a body called, by the people of this Commonwealth, for so grave and important a duty. The officers, employes and expenses, proper for the conducting of its business, amount of compensation, and their payment, are matters to be determined solely by the convention. The convention assembled with this power, conferred by legislative enactment, and confirmed by the people—and to the people, with whose sovereignty it is clothed, is it responsible, and should so remain, independent of any effort to interfere therewith.

The convention determined, as its reported proceedings show, to have its proceedings and debates printed, and entered into a contract therefor with Mr. Singerly, who is the Public Printer; the work to be done, time and manner of doing it, compensation and payment are therein provided, and are exclusively under the control of the contracting parties, and with which, in my judgment, any interference would be improper.

The joint resolution herewith returned does interfere therewith by providing the sum of twenty-five thousand dollars, "or so much as shall be necessary," shall be paid out of the State Treasury, on a requisition of the Public Printer, \* \* to be applied as credits upon his contract as Public Printer, with the Commonwealth for publishing the proceedings of said convention." Aside from my objection to the principle of the resolution, the provisions of the bill are also open to the objection—who is to ascertain the sum "necessary;" is not the convention the proper body? Why empower the Public Printer to draw the warrant when the act providing for the convention expressly provides, the president and chief clerk shall draw all warrants on the State Treasurer for the payment of its expenses? It further provides, the sum paid "to be applied as credit upon his contract, as Public Printer, with the Commonwealth for publishing the proceedings of said convention." I am not aware the contract was made "as Public Printer with the Commonwealth," but made between the convention and Mr. Singerly, and if so, the assumption in the resolution, if approved, might perhaps hereafter lead to complication and embarrassment, unnecessary, and that better be avoided.

That the convention has full power over the matter is clear, that it purposes to exercise it is evidenced by the fact it has two standing committees, one "on Printing and Binding," the other "on Accounts and



Expenditures of the Convention." That the manner and time of payment of its expenses lawfully belongs to the convention is clear, and that it should be left exclusively to the convention is, in my judgment, equally clear, from the character of the distinguished gentlemen who compose it.

J. F. HARTRANFT.

Proclamation Relating to the Vienna Exposition.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas, by the second section of a Joint Resolution of Congress approved February 14, 1873, it is provided "That the Governors of the several States be, and they are hereby requested to invite the patriotic people of their respective States to assist in the proper representation of the handiwork of our artisans, and the prolific sources of material wealth with which our land is blessed; and to take such further measures as may be necessary to diffuse a knowledge of the proposed exhibition, and to secure to their respective States the advantages which it promises."



And Whereas, provision is made by said Joint Resolution of Congress to enable the people of the United States to participate in the advantages of the International Exposition of the products of Agriculture, Manufactures and the Fine Arts to be held at Vienna, Austria, commencing 1st May, 1873, and terminating 31st October of the same year.

Now Therefore, I, JOHN F. HARTRANFT, Governor as aforesaid, do issue this my Proclamation inviting the patriotic people of our State to assist in the proper representation of the handiwork of our artisans, and the prolific sources of our material wealth with which our State is blessed, and to take such further measures as may be necessary to diffuse a knowledge of the proposed exhibition, and to secure to our State the advantages which it promises.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Eleventh day of March, in the year of our Lord one thousand eight hundred and seventy-three, and of the Commonwealth the ninety-seventh.

By the Governor.

M. S. Quay,  
Secretary of the Commonwealth.

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To the Assembly Vetoing "An Act to Incorporate the Hoboken Real Estate Savings Bank of the City of Pittsburg."

Executive Chamber,  
Harrisburg, March 12, 1873.

Gentlemen:

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill No. 75, entitled "An act to incorporate the Hoboken Real Estate Savings Bank of the city of Pittsburg."

My reasons for withholding my approval will be

found in veto message of March the 10th, returning House bill No. 337, entitled "An act supplementing the charter of the Woods Run saving fund and loan association of the county of Allegheny," conferring discounting privileges, &c.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Authorizing Common Carriers, Factors and Others, to Sell Goods, Wares, Merchandise and Other Property Unclaimed, upon which they have a Lien."

Executive Chamber,  
Harrisburg, March 11, 1873.

Gentlemen:

**I** HEREWITH RETURN SENATE BILL NO. 128, entitled "An act authorizing common carriers, factors and others, to sell goods, wares, merchandise and other property unclaimed, or upon which they have a lien."

The first section of this bill provides, "that it shall be lawful for common carriers, factors, commission merchants and others having a lien, either for freight, storage or other charges upon goods, wares, merchandise or other property, and which shall have been or shall be hereafter unclaimed for three months, or upon which such freight or charges shall have remained, or shall hereafter remain unpaid for a like period of time to sell such goods, wares, merchandise or other property at public auction, after notice by advertisement once a week for three weeks in at least one newspaper published in the city or county where such sale is to be made, giving the time and place of sale, the name of the owner or consignee, if known, or legible address

or marks thereon, if any, with a description or name of the article to be sold, and, when known, the place to which the same was consigned, and all goods, wares, merchandise or other property hereby authorized to be sold, which may be in the custody of, or stored by any common carrier at any depot, station or other place, may be removed therefrom, and sold at such cities, towns or boroughs, within this Commonwealth, as such carriers may deem the best market for the articles to be sold."

The second section authorizes them "to sell perishable property by public outcry or auction, upon such notice thereof as the nature of the case may reasonably seem to require or admit of." The third section provides that the owner of the property sold may receive any balance, over charges due and expenses of sale, upon proof of property within two years, after which period it "shall be paid into the treasury of the county where such goods were consigned, or the factor to whom delivered resides."

Before considering the provisions of the bill returned I call your attention to an act, now upon the statute book, approved December 14, 1863, entitled "An act relating to the liens of common carriers and others."—P. L. 1864, p. 1127—which provides a remedy to the same parties and for the same objects as is provided for in the bill returned. At the same time it provides some protection to the owners of the goods, baggage or property liable to be sold under its provisions, which the bill returned fails to do.

The act of 1863 provides that sixty days personal notice shall be given to the owner or consignee, and, if he or they fail to pay, then the goods may be sold after public notice in newspapers, for three weeks, and "six hand bills put in the most public and conspicuous places in the vicinity of the depot where said goods may be;" and also provides if the owner or consignee

cannot be found, then, upon the application to any judge, he may order a sale "upon such terms, as to notice, as the nature of the case may admit of, and to such judge shall seem meet;" and remedy is also provided as to perishable property—and that the surplus moneys shall be held subject to the order of the owner of the property sold. By reference to the act of 1863 it will be seen that its provisions afford full and ample remedy to common carriers, &c., at the same time it recognizes the owners of property are entitled to some protection. It requires sixty days' notice be given to the owner or consignee, if he or they can be found, before the property can be sold. In ordinary cases, where parties have claims against the person or liens upon the property of others, they are required to obtain a judgment before they can sell property—the defendant is, as a rule, entitled to some notice.

By the act of 1863 common carriers, &c., are not required to bring suit and obtain judgment, but they are required, before pursuing the summary remedy provided by the act, to give the owner or consignee some notice, if they can be found. And again, by the act of 1863, notices of sale are required to be put up in the most public and conspicuous places in the vicinity of where the goods are, and the sale to be at such place. By the provisions of the bill returned no notice is required to be given to the owner or consignee, even if he or they can be found. The notice of sale may be given in any newspaper of the county where the sale is to be made—be it ever so remote from the place of sale—no requirement that notice of sale shall be posted in the vicinity of the place where the sale is to be had, which sheriffs and constables are required to give when they sell personal property upon execution, and with the still further astonishing provisions that the property may be "removed from the depot, station or other place, and sold at such cities, towns or

boroughs, within this Commonwealth, as such carriers may deem the best market for the articles to be sold;" the abuse that might be perpetrated under this power is so patent as to require no elucidation. As to perishable or damaged property, its sale is authorized by public outcry, as may suit the convenience of the party making it.

It is a notorious fact that goods and baggage are frequently shipped by the wrong lines, or lost, and this often by the negligence of the employes of the carriers—without any default of the owners—that by reason of the multiplicity of railroads, express and other transportation companies, months are often spent, by the owners of goods or baggage, in finding their property. To subject property thus lost, and often of great value, to be sold, I might more properly say to be confiscated, is, in my judgment, alike unwarranted and uncalled for. By the bill returned, no obligation is imposed upon the carrier to assist the owner in the finding of his property, but rather the reverse, for if the owner is not found the employes may sell and purchase property worth hundreds or even thousands of dollars for a few dollars. As before remarked, the act of 1863 affords little enough protection to the owners of lost goods or baggage. This bill not only affords none, but takes from them what little protection they before enjoyed.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Scranton Silk Company."

Executive Chamber,  
Harrisburg, March 14, 1873.

Gentlemen:

I HEREWITH RETURN SENATE BILL NO. 59, ENTITLED "An act to incorporate the Scranton Silk Company," without my approval.

This company is incorporated as a "silk company." It has a capital of one million dollars, with power "to hold lands not exceeding, at any one time, three thousand acres, with power to mortgage and lease, or otherwise dispose of the same, or any part thereof; and the capital of the company "may be employed" in the making and manufacturing of silk and silk fabrics. The power to hold three thousand acres of land, and lease or otherwise dispose of the same, is certainly very liberal for a company to manufacture silk. The power to hold land necessary for the conducting of their business would have been unobjectionable, as would a provision not that their capital "may be employed," but should be to the business for which incorporated. Under this bill it might engage in real estate, and perhaps coal and other business. However desirable this act may be, I am compelled to return it without my approval, for there is full power to incorporate it under the general act, approved July 18, 1863, entitled "An act relating to corporations for mechanical, manufacturing, mining and quarrying purposes," and its several supplements.

J. F. HARTRANFT.

To the Assembly Vetoing "A Supplement to the Act to Incorporate the Lehigh County Mutual Fire Insurance Company, Approved the Twenty-eighth Day of March, Anno Domini One Thousand Eight Hundred and Forty-eight."

Executive Chamber,  
Harrisburg, March 14, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 116, entitled "A supplement to the act to incorporate the Lehigh County Mutual Fire Insurance company, approved the twenty-eighth day of March, Anno Domini one thousand eight hundred and forty-eight."

By act, approved March 26, 1867, (P. L. 1867, p. 44,) express power is conferred upon the courts to incorporate fire insurance companies. By act of May 8, 1854, power to amend same, even if granted by the Legislature, is given to the courts. This bill is within the provisions of the Constitution prohibiting the Legislature from granting any powers or privileges where the courts have the power so to do. Perhaps it may be held that the courts have not the power to authorize that "said charter be made perpetual." The spirit of the age and experience of the past is against making charters perpetual. Section two is not free from objection, but as what is sought that is proper constitutionally belongs to the courts, it is unnecessary to consider it.

J. F. HARTRANFT.



To the Assembly Vetoing "An Act to Incorporate the Church Building Society of the East Pennsylvania Conference of the Evangelical Association of North America."

Executive Chamber,  
Harrisburg, March 14, 1873.

Gentlemen:

I HEREWITH RETURN WITHOUT MY APPROVAL Senate bill No. 172, entitled "An act to incorporate the Church Building Society of the East Pennsylvania conference of the Evangelical association of North America."

The acts of April 6, 1791, and of October 13, 1840, expressly vest in the courts power to incorporate associations "for any literary, charitable or religious purpose." The objects and purposes as set forth in the bill returned are clearly within the provisions of the acts referred to. I am, therefore, compelled in obedience to the Constitution to return the same without my approval.

J. F. HARTRANFT.

To the Assembly Vetoing "A Supplement to an Act to Incorporate Saint Luke's Hospital of South Bethlehem, Pennsylvania, Approved March Twenty-ninth, One Thousand Eight Hundred and Seventy-two, Further Regulating the Government Thereof and the Admission of Patients to Said Institution."

Executive Chamber,  
Harrisburg, March 13, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 331, entitled "A supplement to an act to incorporate Saint Luke's Hospital of South Bethlehem, Pennsylvania, approved March

twenty-ninth, one thousand eight hundred and seventy-two, further regulating the government thereof and the admission of patients to said institution."

This institution was created for a charitable purpose. It was originally incorporated by an act of Assembly of this Commonwealth. The courts are empowered to alter or amend the charters of associations for literary, charitable or religious purposes. The first section of the act of May 8, 1854, (P. L., 674), provides that "where charters of incorporation have been granted by the Legislature for a purpose where authority to grant charters is or may be vested in the courts, it shall be lawful for such courts to alter, amend and improve the same, upon like proceedings and with like effect as if the original charter had been granted by the court."

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Home for the Friendless of the City of Scranton."

Executive Chamber,  
Harrisburg, March 18, 1873.

Gentlemen:

**H**EREWITH IS RETURNED, WITHOUT MY APPROVAL, Senate bill No. 15, entitled "An act to incorporate the Home for the Friendless of the city of Scranton."

My reasons for withholding Executive approval are the same as those contained in the veto message returning Senate bill No. 331, entitled "A supplement to an act to incorporate Saint Luke's Hospital of South Bethlehem, Pennsylvania, approved March 29, 1872, further regulating the government thereof and the admission of patients to said institution."

J. F. HARTRANFT.

To the Assembly Vetoing "An Act for the Relief of Certain Citizens of Somerset, Somerset County."

Executive Chamber,  
Harrisburg, March 19, 1873.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 312, entitled "An act for the relief of certain citizens of Somerset, Somerset county," and which act is as follows:

"Whereas, By a conflagration of unequalled, magnitude the town of Somerset, Somerset county, has been almost entirely destroyed, and hundreds of her citizens made homeless and left in a destitute condition:

"And whereas, Charity and benevolence are as much the duties of States as of individuals; therefore,

"Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of seventy-five thousand dollars is hereby appropriated for the benefit of the sufferers from the destructive fire of the ninth day of May, one thousand eight hundred and seventy-two, in Somerset, Somerset county; the said sum to be received and distributed among the said sufferers by the authority, and under the directions of the following named individuals, as a committee hereby appointed for that purpose: Wm. H. Sanner, A. H. Coffroth, Wm. H. Picking, Wm. H. Koontz and W. J. Baer.

"Section 2. That the State Treasurer is hereby directed to pay the aforementioned committee, or to one of its number designated by the same for the purpose aforesaid, the sum of seventy-five thousand dollars, out of any money in the Treasury: Provided, That the commissioners named in this act shall file in the office of the Auditor General, and in the office of the register

and recorder of Somerset county, an itemized statement, containing the names and amount paid to each person, within thirty days after such payment."

As the precedent established by this bill is of the highest importance to the people of this Commonwealth, and one, if it becomes a law, that might thereby affect their public treasury to an extent that would soon, if followed, deplete the same. I have thought it proper to set forth the bill in connection with my reasons for not approving of the same.

The borough of Somerset, containing a population of about one thousand inhabitants, suffered from a very disastrous fire in the month of May last, and many of its citizens "were made homeless and left in a destitute condition." The amount of their insurance, or the extent of their loss, I have no personal knowledge; doubtless the loss was very great, and has commended them to the sympathy—and justly so—of the citizens of this Commonwealth, and I need hardly add, I participate in that sympathy, and would rejoice to exercise, so far as I properly can, any power committed to my keeping for their relief.

The power invoked in behalf of this bill, it is my duty to exercise, not in accordance with my personal feelings or sympathy, but in subordination to the rights of the people whose property it is, and for whose common welfare alone should it be exercised.

This bill appropriates the sum of seventy-five thousand dollars from the Treasury of this Commonwealth to the "sufferers" from the fire referred to. Its distribution is not confined to the destitute and needy, but it is authorized to be paid to any who may have suffered—the rich as well as the poor. There are to be found upon the statute books, so far as I am able to discover, but two precedents, and to which I am referred in support and justification of this bill; one approved April 14, 1845, "for the relief of the citizens of

Pittsburg," and the other approved February 8, 1871, appropriating twenty thousand dollars to the "destitute and needy" sufferers by the fire in Mifflintown, Juniata county. For the relief of Pittsburg, the sum of fifty thousand dollars was appropriated, "to be distributed among the destitute by the authority and under the direction of the mayor and select and common councils of said city." It was the most extensive conflagration that ever occurred within the Commonwealth. It brought thousands of men, women and children to absolute want—they had neither bread, raiment or shelter—their necessities required immediate relief. I might truly say, in the case of the sufferers of Pittsburg, the appeal came from starving, shivering men, women and children. Active, as is human sympathy, it was felt it might fail to respond as promptly and fully as the immediate necessities of this people required, and the Commonwealth, mindful of their suffering, recognized the Divine commendation: "I was hungered and ye gave me meat; naked and ye clothed me;" to have done less would, perhaps, have been to permit her own children to perish. The relief to Pittsburg was not compensation for loss—it was relief, immediate relief from actual want, to thousands of houseless, homeless starving men, women and children, and when the immediate necessity ceased the relief ceased. By an act approved April 22, 1846, the original act was repealed, and but thirty thousand dollars of the fifty thousand dollars was paid to the "destitute" of Pittsburg.

I do not recognize the appropriation to the "needy" of Pittsburg, and the subsequent action of the Legislature in repealing the same and withholding the moneys not drawn for their immediate relief, as any precedent for the power attempted to be exercised in the bill herewith returned, ten months after a fire, to donate a

people seventy-five thousand dollars, and shall dismiss it as such in the further consideration of this bill.

The danger of precedents, and care that should be observed to avoid establishing bad ones, is illustrated by the one cited of Mifflintown; a like number of citizens are described in each act as having been made homeless and destitute. Two years ago twenty thousand dollars were taken from the Treasury of the Commonwealth, and given to the "destitute and needy" of Mifflintown, and now seventy-five thousand dollars is proposed to be taken and given not to the "poor and needy," but to the "sufferers" generally. I have had occasion before to observe—it is a maxim—that bad precedents make bad laws, and that, when good, they are only to be considered in construing, not in the enactment of laws. That no other appropriation, except the one cited, is to be found upon the statute books of this Commonwealth, (and the one to Pittsburg, not recognized, for the reasons given, as a precedent for this bill,) is very conclusive evidence of the will of her people in relation thereto, and that the one cited is not in accordance with their judgment.

There is, though, a higher test to which this bill must be submitted, and by which my action determined. Can this bill be supported upon principle, and is it in conformity with public policy? If so, it should receive my approval, if not, my duty is clear, however its performance may conflict with my personal feelings or desires.

The money in the Treasury of this Commonwealth belongs to its whole people, and for their common benefit only is there authority to use it. If the appropriation provided for by this bill is a proper exercise of that authority, what rule or limitation is left for the protection of the public Treasury in the future? I submit there would be none, and if the rule established by this bill is impartially administered, as it

should be, if a proper one, there soon would be no Treasury requiring protection. Upon what principle can the Commonwealth pay out of its Treasury moneys to one portion of her citizens' losses they may have suffered by fire, and refuse it to others who have suffered from like cause? If the principle of the bill is sound, its operation should not be confined to any one locality or people, but be extended, by a general law, to embrace the citizens of the entire Commonwealth; those who live out of cities or boroughs, as well as those who reside within them; to small fires as well as large ones; to the house or barn of the farmer or laborer, as of those who reside in incorporated boroughs or paved cities. In each the owner may have lost his all—why not receive like compensation therefor.?

Again, if the principle is correct, should it be restricted to loss of fire? Should it not embrace, equally, loss by floods, tornadoes, etc.; indeed, if the principle is sound, it is difficult to fix its limitations. Losses by fire can be guarded against by proper insurance—losses from other causes often cannot. There is no year but what the high waters or floods in some of our rivers cause great and unavoidable destruction of property. Why should not the Commonwealth compensate the losers thereby equally with those from fire, and yet they never apply therefor.

On the 6th of September, 1869, one hundred and eight men were suffocated and destroyed by fire at the Avondale mine in this Commonwealth—poor laboring men—upon whose daily toil hundreds of women and children were dependent for their daily bread. In the language of my lamented predecessor, "never before was a scene more heartrending witnessed within the limits of this Commonwealth." If occasion was ever presented in which it would have been proper to appropriate public moneys to relieve private, individual loss or suffering, the widows and orphans of

Avondale presented it—and yet no appropriation was made to them—only the enactment of a law “to incorporate the Avondale relief association.” We are not the custodians of the sympathies of the people—only of their political power—it is for them, not us, to exercise the former, and they have ever proven themselves prompt therein on every occasion. It is much safer in the hearts of the people than in the halls of legislation.

I will now briefly consider the proposition, is this bill in conformity with public policy? I might dismiss this question with the answer—if it is unsupported by principle, it must be unsound in policy—for no policy is sound not based upon principle, but I will briefly consider the question of policy, of the probable or even possible effect of this bill, if permitted to become a precedent upon the statute book.

First. That if the Commonwealth pays from her Treasury to the losers by one fire, she is bound so to do to the losers by every fire.

Second. It is not the magnitude of the fire, but the individual loss and suffering that is proper to consider; that may be as great from a small as a large fire. Shall the moneys belonging in common to those who live in rural sections be appropriated to the denizens of towns and cities without a corresponding right in the former to like appropriation for similar cause. The charity of the Commonwealth, to be just, should be as broad as her borders, embrace alike all her people. If policy forbids its extension to all, it should be withheld from all—just laws are impartial—equality is equity.

Third. It would, indirectly, make the Commonwealth an insurance company, with this disadvantage, that whilst paying from her treasury losses she would be receiving no corresponding premiums therefor.

Fourth. It would invite and justify similar applica-



tions—and I am told there are now some awaiting final action on this bill. Every additional precedent in their favor would multiply these applications, and perhaps only end with the last dollar in the State Treasury.

Fifth. The Commonwealth, by law, has provided for the organization of insurance companies to protect her citizens from losses by fire; for a small premium they can secure themselves against such losses—would it not be better they should do so than that the Commonwealth, from her Treasury, should do it?

Sixth. It never has been the policy of the Commonwealth to compensate her citizens, for their individual losses or misfortunes, from her Treasury. A firm adhesion to this rule is indispensable, any departure therefrom would soon result in its destruction, and leave the Treasury of the Commonwealth open to every incursion, and unprotected from any.

I have given this bill most careful consideration, commensurate with its importance, for it involves a principle and precedent of incalculable importance to the people of this Commonwealth, and whilst, as before remarked, the sufferers of Somerset county command my deepest sympathy, and any proper legislation for their relief I would gladly approve.

My duty to the people of this Commonwealth, whose rights, in part, I represent, and whose interests it is my duty to protect, demand the withholding of my approval of the bill herewith returned.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Trustees of the Christian Missionary Convention of the Church of Christ of the State of Pennsylvania."

Executive Chamber,  
Harrisburg, March 24, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 129, entitled "An act to incorporate the trustees of the Christian Missionary convention of the Church of Christ of the State of Pennsylvania."

By section thirteen this society is empowered to hold estates, real and personal, "to any amount not exceeding fifty thousand dollars, yearly value, exclusive of the annual or periodical collection and voluntary contribution made" in its churches and from other sources, which latter "are not to be funded, but expended in church operations." This would permit the holding of a permanent capital of eight hundred thousand dollars. It further provides that when the convention shall select one or more reliable banks, or banking houses, as places of deposit for its funds and securities, the treasurer shall not be liable therefor. And section eight, among other provisions, provides that the corporation "shall have power to invest their money, or other property, in bonds, mortgages or other real or personal securities, at a rate of interest not to exceed ten per cent. per annum."

This society is recited in the title of the act as "of the State of Pennsylvania." The Supreme Court of this Commonwealth, for eighty years, and its courts of common pleas, for thirty years, have had power to incorporate associations "for any religious purpose."

In the bill returned it is recited, "some of the persons named as incorporators live outside of the Commonwealth," and that therefore the Constitutional provi-

sion requiring them to go to the courts, and prohibiting the Legislature from incorporating them, does not apply. If, by embracing one or more corporators who reside out of the Commonwealth, the Constitutional provision prohibiting it is to be evaded, and the rule established that it may be thus evaded, it will soon cease to remedy the evil for which the people, nine years ago, ordained and established it. The evil sought to be remedied was great, the remedy wise, and in the spirit in which the people enacted it, it should be enforced.

There is, however, an objection to this bill, which will permit of no evasion. It is expressly authorized to loan its moneys "at a rate of interest not to exceed ten per cent. per annum."

This privilege, during your present session, has been sought and denied to corporations of a secular character. Upon what principle it can be granted to one of a religious character I am unable to perceive; and not only has it been refused to corporations of a secular character, but, by a recent vote of the House, refused to persons, natural or artificial. The statute which this religious society seeks to avoid was enacted one hundred years ago—it was founded upon public policy, and, as such, ever since maintained. Either public policy—which is synonymous with public welfare and morals, upon which the law, whose evasion is sought, was founded and maintained—or the policy of the religious society seeking to evade it must be wrong. The observance and breach of the laws cannot both be right.

It will afford me great pleasure to promote and advance, in every proper way, the religious societies of this Commonwealth, but in so doing I must remember that the law "is no respecter of persons;" in it all are equal, none above its power or beneath its protection. That in the enactment of laws, as well as in their en-

forcement, no discrimination should be made—what is denied or refused to one should not be granted to another.

Whilst the law will ever, I hope, promote and protect religious societies, they, in return, will, I trust, maintain and defend the laws that protect them.

J. F. HARTRANFT.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Columbia Insurance Company, Approved the Twenty-fifth Day of February, Anno Domini One Thousand Eight Hundred and Sixty."

Executive Chamber,  
Harrisburg, March 25, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 336, entitled "A supplement to an act to incorporate the Columbia insurance company, approved the twenty-fifth day of February, Anno Domini one thousand eight hundred and sixty."

The act of May 8, 1854, (P. L. p. 674), provides that where authority to grant charters is or may be vested in the courts they have the power to alter and amend the same, as if the original charter had been granted by the court.

The act of March 26, 1867, (P. L., p. 45,) granting authority to the courts to incorporate fire insurance companies, subject to the provisions of the act of April 2, 1856, vests in them the authority to amend in the manner provided for in this bill.

And as this authority, when thus vested, is of an exclusive character, this company must make application to the proper court, and not to the Legislature, for the amendment it seeks, being prohibited by the Constitution from so doing.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the  
Scott Iron and Manufacturing Company."

Executive Chamber,  
Harrisburg, March 24, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 325, entitled "An act to incorporate the Scott iron and manufacturing company."

This company can obtain the incorporation it seeks without legislative action under the general laws of this Commonwealth, providing for the incorporation of iron and other companies. See act of June 16, 1836, and the several supplements thereto. Brightley's Purdon's Digest, Vol. 1, page 811; act of April 7, 1849. Brightley's Purdon's Digest, Vol. 2, page 992.)

My objections to this bill are substantially embodied in a message dated March 3, 1873, disapproving of House bill No. 131, entitled "An act to incorporate the Keystone iron company."

Since then an act was passed and approved March 21, 1873, "to provide for the incorporation of iron and steel manufacturing companies," giving them larger privileges of incorporation, with the intention that they should be chartered thereunder without the necessity of special legislation.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act Incorporating the Wilkes-Barre City Hospital."

Executive Chamber,  
Harrisburg, March 26, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 335, entitled "An act incorporating the Wilkes-Barre City Hospital."

The Supreme Court and the courts of common pleas are authorized by law to grant the charter of incorporation which this company desires to obtain.

When power to create a corporation is vested in the courts the Constitution gives them the exclusive right to exercise it, and denies it to the Legislature. For this reason I am compelled to return this bill unapproved.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Change the Name of the Miners' Savings Bank and Trust Company of Scranton, Pennsylvania, and to Correct a Clerical Error in an Act Entitled 'An Act to Incorporate the Miners' Savings Bank and Trust Company of Scranton, Pennsylvania,' Approved May Twelfth, One Thousand Eight Hundred and Seventy-one."

Executive Chamber,  
Harrisburg, March 22, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 180, entitled "An act to change the name of the Miners' Savings Bank and Trust Company of Scranton, Pennsylvania, and to correct a clerical error in an act, entitled 'An act to incorpor-

ate the Miners' Savings Bank and Trust company of Scranton, Pennsylvania,' approved May twelfth, one thousand eight hundred and seventy-one."

The right to change the name of this corporation being given to the court of common pleas of the proper county, by the first section of the act of Assembly of April 20, A. D. 1869, (P. L., page 82.) the action of the Legislature conflicts with the article of the Constitution, which gives to the proper courts of common pleas exclusive powers to grant the privilege thus asked.

The correction of the clerical error consists in the substitution of the word "their," for the word "the," in the second line of the fifteenth section of the act of 1872, and is not of sufficient importance to make this one a proper subject of legislative action.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act Relating to the Leases of Real Estate of Married Women."

Executive Chamber,  
Harrisburg, March 24, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 37, entitled "An act relating to leases of real estate by married women."

The act provides "that leases of dwelling houses and the lots they are on, either written or parol, made to or by or from married women living separate from their husbands, shall be held to be legal and valid, and the lessees shall be subject to all remedies for the recovery of rent, either by suit or distress, the same as if they or the lessors were femine sole."

Under the laws of this Commonwealth, a married

woman cannot lease her separate property by parol or in writing. Her agreement to convey her property, even if in writing, is of no validity unless signed by her husband and acknowledged by her in due form of law.

But under the bill, any married woman, if living separate from her husband, can lease her property by parol for an indefinite term of years; or if the statute of frauds should interfere to prevent such indefinite lease by parol, she can, by writing, make a lease for such a length of time as will destroy her freehold—a privilege as wide as this, I do not think should be so lightly granted.

The bill makes no distinction between married women who have departed from their husbands without reason, and those who are compelled to live apart by cause which the law regards as justifiable.

It gives equal rights to all married women provided they be “living separate from their husbands.”

To make the enlargement of the powers of married women dependent merely upon separation from their husbands, would weaken the marriage relation and injure society.

The act is further objectionable. It validates all leases made to a married woman living separate from her husband, and subjects all lessees to all remedies for recovery of rent. Any such married woman may be thus enabled to enter into a contract by parol or in writing, from which she cannot escape without loss and suffering.

There may perhaps be a class of married women for whose interest some legislation is desirable, but this bill would be an injury to them by leaving them without protection for themselves or their property.

J. F. HARTRANFT.



To the Assembly Vetoing "An Act to Incorporate the Central Market Company of the City of Allegheny."

Executive Chamber,  
Harrisburg, March 25, 1873.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 333, entitled "An act to incorporate the Central market company of the city of Allegheny."

The act of February 27, 1872, (P. L., p. 20,) empowers the courts of common pleas to incorporate market companies.

When authority is thus given to the courts, the Constitution makes their right to grant incorporation exclusive, and the company must therefore make its application to them, and not to the Legislature for the charter it desires.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Schuylkill Manufacturing Company."

Executive Chamber,  
Harrisburg, March 26, 1873.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 221, entitled "An act to incorporate the Schuylkill manufacturing company."

This company can be incorporated under the general

laws of this Commonwealth, providing for the incorporation of iron and other companies. (See act June 16, 1836, and the several supplements thereto. Brightley's Purdon's Digest, Vol. 1, page 811, and act of April 7, 1849. Brightley's Purdon's Digest, Vol. 2, page 992.)

The objections to this bill are substantially embodied in my message of March 3, 1873, disapproving of House bill No. 131, entitled "An act to incorporate the Keystone iron company."

Since then an act has been approved on March 21, 1873, entitled "An act to provide for the incorporation of iron and steel manufacturing companies," under which this company can procure all the privileges it seeks, except that of enlarging its capital beyond one million of dollars. Should that right ever be needed, it is better that it be obtained hereafter by a supplement rather than companies should be encouraged to ask for authority to increase their capital stock beyond the restriction fixed by law, merely to obtain incorporation through special legislation.

J. F. HARTRANFT.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Iron City Mutual Life Insurance Company of Pennsylvania, Approved February 19, 1869."

Executive Chamber,  
Harrisburg, March 27, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 326, entitled "A supplement to an act to incorporate the Iron City Mutual life insurance company of Pennsylvania, approved February 19, 1869."

One of the objects of this bill is to authorize the creation of a "guarantee capital," to be invested in the purchase of commercial paper, bonds and other personal securities.

This is substantially a grant of banking privileges which the act of April 2, 1856, (P. L. 213), expressly denies to insurance companies, and as this company has not given such notice as the law requires of companies applying for bank charters, I see no reason for granting it this exceptional privilege.

The other object sought, to enable the company to do business under the stock and mutual systems, can be obtained from the courts.

J. F. HARTRANFT.

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To the Assembly Vetoing "A Further Supplement to an Act to Incorporate the Lancaster Home Mutual Fire Insurance Company, Approved the 1st Day of May, A. D. 1861."

Executive Chamber,  
Harrisburg, March 27, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 605, entitled "A further supplement to an act to incorporate the Lancaster Home Mutual Fire insurance company, approved the 1st day of May, A. D. 1861."

The present insurance law of April 2, 1856, (P. L., 213), declares the manner in which companies shall execute policies, contracts and agreements.

The alteration to this law proposed by this bill does not appear to be judicious.

The method in which stockholders may vote is also declared by the same bill, and if the company desires to avail itself of that provision it should make application to the courts who have authority to permit such amendment.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the  
Watsonstown Car Manufacturing Company."

Executive Chamber,  
Harrisburg, April 1, 1873.

Gentlemen:

**I** HEREWITH RETURN TO THE SENATE, IN which it originated, bill No. 122, entitled "An act to incorporate the Watsonstown Car Manufacturing company."

This bill is designed to create a corporation for the purpose of manufacturing and repairing of all kinds and descriptions of railroad cars and car wheels, conducting a general iron foundry business, and manufacturing such other articles, implements and materials as a majority of the stockholders may determine. Its capital stock is fixed at fifty thousand dollars, with a privilege of increase to two hundred thousand dollars, and with the right to borrow money and issue bonds, &c.

The franchises necessary for the purposes of this corporation can readily be obtained by an organization, under the act of 18th July, A. D. 1863, entitled "An act relating to corporations for mechanical, manufacturing, mining and quarrying purposes," and its supplements. I have already indicated to the Legislature my belief that special legislation for the creation of cor-

porations, which may be organized under the general laws of the Commonwealth, is injudicious and should be discouraged; and accordingly withhold my approval from this bill.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Supplementary to an Act to Incorporate the Williamsport Lumber Company, Approved the Second Day of June, Anno Domini One Thousand Eight Hundred and Seventy-one, More Particularly Defining the Corporate Rights of Said Company, and Regulating the Tax on its Capital Stock."

Executive Chamber,  
Harrisburg, March 28, 1873.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 542, entitled "An act supplementary to an act to incorporate the Williamsport lumber company, approved the second day of June, Anno Domini one thousand eight hundred and seventy-one, more particularly defining the corporate rights of said company, and regulating the tax on its capital stock."

This bill provides as follows: "That it shall be lawful for the Williamsport lumber company to purchase, hold, sell, mortgage and lease lands, not exceeding three thousand acres, and real estate, in such terms as they may agree upon; and to locate their principle office at such point within this State as may be most convenient for their business."

The original act is entitled "An act to incorporate the Wililamsport lumber company."

As a lumber company it was liable to pay an enrolment tax of one hundred dollars.—(P. L., 1868, page 107.) When it came to pay its enrolment tax it claimed not to be a lumber company but an improvement company, and so only paid fifty dollars—the tax upon improvement companies. It has never paid any bonus tax upon its capital stock, as is provided by law; so it has either never organized or has no capital.

The original act created "Charles Hebard, and such persons as may associate with him, a body corporate, with the same rights and privileges of the 'Continental improvement company,' approved April 13, 1868." The act to incorporate the "Continental improvement company" is to be found in the Pamphlet Laws, 1868, pages 882, &c. Its capital stock was fixed at one hundred thousand dollars, with power of the stockholders to increase it to any sum unlimited. It was authorized to enter upon its duties when twenty-five hundred dollars of capital was paid in, and which are defined as follows:

"Section 2. That the corporation hereby created shall have power to contract with any person, persons, firm, corporation or any other party howsoever formed, existing, or that may hereafter exist, to build, construct, maintain or manage any work, public or private, and supply or furnish all needful material, labor, implements, instruments and fixtures of any and every kind whatsoever, on such terms and conditions as may be agreed upon between the parties, respectively; and shall have full power and authority to hold and own securities of any form, either as collateral or otherwise, and dispose of the same at pleasure; and shall have power to hold, own and dispose of such other personal or real estate as a majority of the stockholders of said corporation may at any time approve, in writing or by resolution, at any meeting of the stockholders."

The act further provides, that its principal office shall be in Philadelphia, but it may establish branches in other States. There is, though, one limitation upon this company, in addition to requiring it to have twenty-five hundred dollars of capital before commencing business, and that is, "its directors shall be citizens of the United States, and reside therein."

Such, in brief, were the powers conferred upon Charles Hebard, and such persons as he may choose to associate with him, by this Commonwealth, on the 2d day of June, 1871. For what purpose such vast powers were sought, or what object they may be employed, as well as for what reasons conferred, I am unable to comprehend. Corporate powers should only be conferred when demanded by public necessity, or may be productive of public good, confined to some, clear, definite object, under proper restrictions, and some definite locality—not to do anything and everything, and permitted to roam over the whole Commonwealth, of which latter character this one is. Its capital and powers are unlimited—its locality unrestricted—no personal liability of stockholders.

If the supplement herewith returned was to limit its powers, capital and place of business, and impose some personal liability upon its stockholders for the security of the public, it would afford me pleasure to approve of it, but by the supplement herewith returned it seeks further powers, and to hold its principal office at any point in the State. Why it is seeking these powers I am unable to comprehend. If its present powers do not give it all that is sought by the supplement returned it is well for the Commonwealth.

As before remarked, it repudiated what it was incorporated as, a lumber company, and thereby avoided paying the enrolment tax imposed upon lumber companies. It has never paid any bonus tax upon its capital stock as is provided by law, from which arises the

presumption that it is either unorganized or has no capital. It is better that it exhaust its present powers if that is possible, before additional powers are conferred upon it.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Confirming Title to Property in the Second National Loan and Homestead Association of Allegheny City, Incorporated by the Court of Common Pleas of Allegheny County, and Empowering Said Association to Sell and Convey Said Property."

Executive Chamber,  
Harrisburg, March 29, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 616, entitled "An act confirming title to property in the Second National loan and homestead association of Allegheny City, incorporated by the court of common pleas of Allegheny county, and empowering said association to sell and convey said property."

There is nothing in the title of this bill which indicates any intention to create or incorporate a company, which it does by its first section, "with the powers and privileges mentioned and specified in the article of said association." What these powers and privileges are there is nothing in the bill to show. The title expresses but one object; the bill provides for two. That most important and perhaps the only one desired is not expressed, and I am unwilling to approve of a bill incorporating a company of whose powers I have no knowledge.



I find by reference to the acts of Assembly, as in case of Wood's Run savings fund and loan association, and other cases, the powers conferred by the courts upon corporations are very broad and often doubtful, and then the parties come to the Legislature to get them confirmed, which there is no excuse for doing, as the powers of the court are clear, and no one who seeks and desires to observe the law and get a lawful charter needs to be misled.

This bill also recites that doubts have arisen as to its power to take title to certain real estate. Under the law there are no doubts. It has no such rights; could not have; the court could not grant them; and yet, in violation of express law, it professes to have exercised them. What little restraints are imposed by law upon corporations they should be held to respect and comply with. This practice of getting doubtful charters through the courts and then of coming to the Legislature to get them re-enacted and made valid, without knowledge of what the powers are, should, in my judgment, receive no encouragement. The character of legislation sought by this bill, the omission to recite in the title what it is, to incorporate a company, does not commend it to me as such legislation as should receive my approval.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Greensburg Non-Explosive Oxygenated Oil and Gas Company of Pennsylvania."

Executive Chamber,  
Harrisburg, April 1, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 475, entitled "An Act to incorporate the Greensburg non-explosive, oxygenated oil and gas company of Pennsylvania."

This company seeks incorporation from the Legislature when it can obtain it under the general law of July 18, 1853 (P. L. 1102).

It asks for a perpetual existence which it is against the policy of this Commonwealth to grant. It makes no provision for payment of the capital stock, and the State may thus be deprived of such taxes as similar corporations are compelled to pay. It imposes no liability upon the stockholders, and may thus cause loss to those who would otherwise be partially protected in their dealings with it.

The privileges which this company should secure can be obtained under general laws, and thus this legislation is unnecessary. The other privileges it asks are exemptions from just liability under existing laws, and therefore legislation for that purpose would be unwise.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Providing for the Payment of the Indebtedness of the North School District of Wilkes-Barre Township, in Luzerne County."

Executive Chamber,  
Harrisburg, March 27, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1262, entitled "An act providing for the payment of the indebtedness of the North School district of Wilkesbarre, in Luzerne county."

By the act incorporating the city of Wilkesbarre, the North School district was changed to the First school district. Certain persons who have claims

against the old district, desire to collect them without issuing a scire facias to make the new district a party to the action. It cannot be pretended that they have not, at present, a complete remedy to obtain payment of their debts. They desire a more rapid method of collection, and seek to institute legislative haste for the "laws delay." This purpose does not appear to be sufficient to warrant a departure from the customary method of legal procedure in such cases.

J. F. HARTRANFT.

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To the Assembly Vetoing "A Supplement to an Act Incorporating St. Andrew's Church, Springfield, Susquehanna county, Approved the — Day of June, A. D. 1866."

Executive Chamber,  
Harrisburg, March 29, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 96, entitled "A supplement to an act incorporating St. Andrew's church, Springfield, Susquehanna county, approved the — day of June, A. D. 1866."

The act of May 8, 1854 (P. L. 674), provides that where the Legislature has granted the charter of incorporation, for a purpose for which the courts are or shall also be empowered to incorporate, the courts shall have the same power to amend the original charter as if they had granted it.

The courts, therefore, having jurisdiction over the object this church desires to effect—to them, and not to the Legislature, this application should be made.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Authorize the Trustees of Zion's Church, of Alsace Township, Bucks County, to Sell and Convey Certain Real Estate."

Executive Chamber,  
Harrisburg, March 31, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 742, entitled "An Act to authorize the trustees of Zion's church, of Alsace township, Bucks county, to sell and convey certain real estate."

Under the will of John Hassler, "Zion's church" is entitled to certain property upon the death of those persons who are now in possession. The church desired to make sale of this property subject to the interests of the present occupants, and applied to the Legislature for the power to do so on the ground that it is an unincorporated body.

Incorporation is so easily and readily obtained through the authority given to the courts for that purpose, that the want of a corporate character, in itself, ought not to be a sufficient reason for legislative relief.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act for the Relief of John Heffner, Extending the Time for Viewing and Assessing Damages Sustained by him by the Opening of a Certain Public Road."

Executive Chamber,  
Harrisburg, March 29, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 360, entitled "An Act for the relief of John Heffner, extending the time for viewing and assessing damages sustained by him by the opening of a certain public road."

The petitioner desires relief from the act of Assembly of June 13, 1836 (P. L. 556), which provides that all applications for the assessment of damages, caused by the opening of a public road, shall be made within one year after the road is opened.

The operation of a general law, which is so well established, should not be lightly set aside for individual benefit or advantage. The petitioner shows absolutely no reason why he should be exempted from the provisions of this act, and obtain a privilege denied to all the other citizens of this Commonwealth. He had a year in which to make application for an assessment of damages, and if absent from home for that period, his agent was authorized to make the application for him. His neglect of his business is no ground for legislative interference with general laws.

The last section provides that no enrolment tax shall be paid on this act. An act more special in its character, or more justly subject to the tax imposed by the act of May 1, 1868, cannot be framed. The reasons given for such immunity would apply to all private acts of Assembly and thus far abrogate the law.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Equality Life Insurance Company of Pennsylvania."

Executive Chamber.

Harrisburg, March 29, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 141, entitled "An Act to incorporate the Equality Life insurance company of Pennsylvania." This bill authorizes its capital to be one hundred thousand dollars, and not to exceed five hundred thousand dollars, to deal quite extensively in real estate, to receive deposits, and perform such acts and exercise such power through its directors as they shall deem expedient, subject to the authority, provision and limitation of the charter and by-laws of the corporation and laws of the State. Its office to be in Philadelphia, and to establish franchises and agencies in other parts of the State and elsewhere.

There is no provision made for the payment of a dollar of capital. Sound, solvent, well conducted insurance companies are of great importance to the citizens of this Commonwealth, and no act incorporating one should be granted without requiring them to have a reasonable amount of paid up capital before being permitted to go into business, in no case less than one hundred thousand dollars in large cities. Proper restrictions should be imposed as to how this capital may be invested, in mortgages or in State or United States bonds, and perhaps those of certain enumerated companies that are of undoubted solvency, so that in case of loss the parties entitled to compensation may find and receive what they have paid for.

To create insurance incorporations upon any other basis, except mutual, is for the Commonwealth to confer authority whereby her citizens may, in the hour of their greatest need, find they have been imposed upon.

and seek in vain the relief they are justly entitled to. As before remarked, no provision is made in this bill requiring one dollar of capital to be paid in. I cannot approve of any such insurance companies.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Increase the Powers of the Corporate Authorities of the Borough of Uniontown, in the County of Fayette."

Executive Chamber,  
Harrisburg, March 29, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 463, entitled "An Act to increase the powers of the corporate authorities of the borough of Uniontown, in the county of Fayette."

By the act of April 3, 1851 (P. L. 320), the corporate officers of boroughs have authority to make such laws and ordinances, "not inconsistent with the laws of this Commonwealth, as they shall deem necessary for the good order and government of the borough."

Powers so general as these ought to be sufficient to insure order and promote good government in this borough. The boroughs throughout the Commonwealth find them ample for their security and protection; and I know no reason why the people of this borough should be subjected to laws more stringent by a special act of legislation.

The other rights asked for are against public policy. No reason is shown why the limitations imposed by law, upon the right of the borough officers to borrow money and levy taxes, should be removed. No indebtedness for a special purpose is alleged, and no expenditures appear to have been made except those nec-

essary and common to all municipal corporations of this kind. The right to pay any rate of interest, not exceeding nine per centum, is one a borough ought not to possess. It is an unsafe departure from the general laws of this Commonwealth, and makes the burdens of the tax-payers and the debt of the borough unnecessarily grievous.

J. F. HARTRANFT.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Franklin Bank of the City of Philadelphia, Approved April 1, A. D. 1870, to Change the Name of Said Bank."

Executive Chamber,  
Harrisburg, March 29, 1873.

Gentlemen:—

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 626, entitled "A supplement to an act to incorporate the Franklin Bank of the city of Philadelphia, approved April 1, A. D. 1870, to change the name of said bank."

Under the law of April 20, 1868 (P. L. 82), this company can obtain, by application to the court, the change it desires to make in its name, without the necessity of special legislation.

The jurisdiction of the courts over matters of this kind is ample, ought not to be interfered with in this manner, and is prohibited by the Constitution.

J. F. HARTRANFT.



To the Senate Nominating J. Montgomery Forster  
Insurance Commissioner.

Executive Chamber,  
Harrisburg, April 4, 1873.

Gentlemen:

**U**NDER THE AUTHORITY OF AN ACT OF THE General Assembly, entitled "An Act to establish an Insurance Department," approved April 4, A. D. 1873, I hereby nominate and appoint (subject to the advice and consent of the Senate), J. Montgomery Forster, of the county of Dauphin, Insurance Commissioner of Pennsylvania, for the term of three years, and until his successor is duly qualified.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Prohibiting the Erection of any Foundry, Sash, Saw, or Planing Mill, Cotton, Woolen or Carpet Factory or Mill, or any Other Building to Contain Machinery Propelled in Whole or in Part by Steam Power in the City of Philadelphia, within One hundred and Fifty Yards of any School House."

Executive Chamber,  
Harrisburg, March 28, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1259, entitled "An Act prohibiting the erection of any foundry, sash, saw, or planing mill, cotton, woolen, or carpet factory or mill, or any other building to contain machinery propelled in whole or in part by steam power in the city of Philadelphia, within one hundred and fifty yards of any school house."

This bill provides "that from and after the passage of this act it shall not be lawful for any person or persons to erect in the city of Philadelphia any foundry, sash, saw or planing mill, cotton, woolen, or carpet factory or mill, or any other building, to contain machinery propelled in whole or in part by steam power within one hundred and fifty yards of any school house now built, or to be built, or now in process of building."

By the provisions of this bill the owner or occupant of any real estate within four hundred and fifty feet of any school house, now or hereafter erected, is prohibited from the erection of any building to contain machinery propelled in whole or in part by steam. This bill in my judgment is highly objectionable.

The citizens of the city of Philadelphia, by the above cited bill, are made subject, in their industrial pursuits, to such restrictions as are not to be found upon the statute book of any other State, so far as I have been able to discover. If there is any one city in the nation that should have its industrial pursuits free from unnecessary restraints, it is Philadelphia. For it is to them she is indebted for her position as the first manufacturing city of the land. The energy and enterprise of her capitalists, the intelligence and skill of her artizans, has enabled her to excel in many of her productions, whilst she is inferior to none. In her manufactories lies her future prosperity and greatness and all proper laws for their protection and advancement it would afford me pleasure to approve. The bill herewith returned, in my judgment, would have, and largely so, the opposite tendency. It prohibits the introduction and use of steam power for any mechanical purpose, in whole or in part, within four hundred and fifty feet of any school house, now or hereafter erected within the city. This embraces an area of fourteen acres. Upon what principle, or for what reasons, should the use of steam for mechanical pur-

poses be thus restrained, or the owners of real estate be restricted in the lawful use thereof?

Steam is the motive power of the age. It is the life of manufactures—prohibit the one you prevent the other—thus all manufacturing would be prohibited from within every fourteen acres of land in Philadelphia, within which there is now or hereafter may be located a school house.

For what reason is this prohibition imposed? It is not claimed because its use is an annoyance, but because it may explode, and yet it is used, and the use daily increasing, to heat dwellings, hotels, halls and public buildings generally, including school houses. If the reason offered is sound, it should be equally prohibited from being used within an area of fourteen acres, within which is located any dwelling, hotel or other occupied building. Steam power would soon be banished from Philadelphia and the busy hum of its industries silenced.

Upon what principle can the owners of real estate within four hundred and fifty feet of any school house, now or hereafter erected, be thus restrained in the use of their lands?

Upon what principle can this prohibition of the use of real estate be justified, and in many instances perhaps its value decreased one-half? It may be held or may have been purchased for the express purpose of erecting a factory. A school house is erected, and the owner is debarred by this bill from so doing, and those who now own land thus located are alike debarred from selling it for manufacturing purposes. The use of steam power has ever been held lawful. If the owners of real estate may be prohibited for using steam for manufacturing purposes they soon may be enjoined from using it for heating or cooking purposes, and the prohibition may not be confined to steam, but extended and enlarged until and the mul-

tiplication of statutes and supplements, about the only valuable right left to the owner would be that of paying taxes. Every man is bound to so use his property as not to injure his neighbor. If he fails to do so, or commits a nuisance, the law affords a remedy and the courts are open to give redress to the injured. I have deemed it unnecessary to consider the power of the Legislature to restrain the owners of real estate of the right to use and enjoy their property, as is done in the bill returned. It certainly is a grave invasion of private rights, which I am at least unable to find any public good or necessity to warrant or justify.

The public good of Philadelphia, as well as the private rights of her citizens, demand, in my judgment, this bill should not become a law; and, in compliance therewith, the bill is returned without my approval.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Allodial Land and Improvement Company."

Executive Chamber,  
Harrisburg, April 7, 1873.

Gentlemen:

HEREWITH RETURN WITHOUT MY APPROVAL, Senate bill No. 485, entitled "An Act to incorporate the Allodial land and improvement company."

This company is neither moderate in its requests nor definite in its purposes. It desires the unending right to purchase, receive, hold and grant all kinds of property; to develop lands; to erect buildings; to maintain and manage any work public or private; to supply labor, implements, instruments and fixtures of every

kind, and on any conditions agreed upon; to advance money to any contractor; to guarantee the performance of any contract for the building, constructing or equipment of any public or private improvements, or furnishing material therefor, and to substitute their own superintendent for those contractors whose work has been thus guaranteed.

With such privileges what may not this company do? It may exercise the most dissimilar powers, and pursue the most inconsistent occupations. It may unite franchises which the law declares shall remain separate and distinct. These unknown purposes are fully assisted by unrestricted power. There is no limit to its indebtedness, and no liability for its conduct. All are unlike unprotected in their dealings with it. Franchises so extensive as these ought not to be granted, unless accompanied with a corresponding responsibility on the part of those who receive them, and the objects for which they are to be used are clearly known and found to be of advantage to the community.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the King Creek Slate and Iron Company."

Executive Chamber,  
Harrisburg, April 7, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 52, entitled "An Act to incorporate the King Creek slate and iron company."

All the objects this company desires to accomplish can be effected without legislative assistance under the

general law of July 18, 1863 (P. L. p. 1102), which provides for the incorporation of persons for "carrying on any mechanical, mining, quarrying or manufacturing business in this Commonwealth, except that of distilling and manufacturing intoxicating liquors."

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the National Trust Company of Pittsburg."

Executive Chamber,  
Harrisburg, April 7, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 627, entitled "An Act to incorporate the National trust company of Pittsburg."

This company desires the right to receive on deposit for use, investment or safe keeping, any and all money, jewelry, plate, stocks, bonds and valuable paper, and property of every kind on such terms as shall be prescribed by its by-laws; to receive and hold on deposit, and in trust and security on such terms as may be agreed upon, estate real and personal, to dispose of it, to purchase, own, hold, collect, adjust, settle, sell and dispose of lands, tenements, notes, bonds, mortgages, rents and obligations of all kinds, and accounts of companies, corporations and individuals, to loan money on real and personal securities and obligations; to invest money in the purchase of lands, construction of buildings or public works, and to insure the same.

My objections are embodied in my message of March 10, 1873, disapproving House bill No. 337, entitled "An Act supplementing the charter of the Wood's Run Savings Bank and loan association of the county of Allegheny, conferring discounting privileges, et cetera."

This company desires to insure, and also be a bank, to engage in banking, to receive deposits and yet to deal in real estate.

These powers are expressly kept separate by law, and no reason is shown why they should now be united. A further objection to this bill is, that it departs from the law, in permitting organization with an insufficient amount of capital and the company to decide when the full amount of capital should be paid.

As the business in which this corporation desires to engage is so varied and venturesome, the protection which is now extended by general laws to those who have dealings with it, should be increased rather than diminished.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Broad Mountain Lumber Company."

Executive Chamber,  
Harrisburg, April 7, 1873.

Gentlemen:

**I** HEREWITH RETURN WITHOUT MY APPROVAL, Senate bill No. 230, entitled "An Act to incorporate the Broad Mountain lumber company."

This company desires to engage in various kind of manufacturing, and can be organized for that purpose under the act of July 18, 1863 (P. L. 1864, p. 1102), which provides for the incorporation of persons, "for the purpose of carrying on any mechanical, mining, quarrying or manufacturing business in this Commonwealth, except that of distilling or manufacturing intoxicating liquors."

This bill proposes to grant perpetual succession, contrary to the policy of the Commonwealth, and makes no provision for personal liability on the part of the corporators for any indebtedness whatever.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Anthrax Fuel Company."

Executive Chamber,  
Harrisburg, April 5, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 228, entitled "An Act to incorporate the Anthrax fuel company."

The purpose of this company is "the manufacture of an artificial fuel from pitch, lime, coal waste, or anthrax, clay material, asphalte, and from such other substances as it may see proper to use."

These powers can be fully obtained without additional legislation under the general law of July 18, 1863 (P. L. p. 1102), which provides for the incorporation of persons "for the purpose of carrying on any mechanical, mining, quarrying or manufacturing business in this Commonwealth, except that of distilling or manufacturing intoxicating liquors."

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Cutlan Shoe Sewing Machine Company of Philadelphia."

Executive Chamber,  
Harrisburg, April 4, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 328, entitled "An act to incorporate the Cutlan Shoe sewing machine company of Philadelphia." The act of July 18, 1863 (P. L. 1102), provides for incorporation of persons for the purpose of carrying on any mechanical, mining, quarrying or



manufacturing business in this Commonwealth, except that of distilling or manufacturing intoxicating liquors. The objects this company desires to effect can readily be attained without the necessity of further legislation.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Cumberland Manufacturing Company."

Executive Chamber,  
Harrisburg, April 4, 1873.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 334, entitled "An Act to incorporate the Cumberland manufacturing company."

This company can be organized without any legislation, under the general law of July 18, 1863 (P. L. 1102), which authorizes the incorporation of any company "for the purpose of carrying on any mechanical, mining, quarrying or manufacturing business in this Commonwealth, except that of distilling or manufacturing intoxicating liquors," or under the general law, approved March 21, 1873, entitled "An Act to provide for the incorporation of iron and steel manufacturing companies."

This bill provides for the incorporation of an iron manufacturing company, although it is not so stated in the title, and provision is made for the incorporation of such companies by the acts above referred to.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Franklin Manufacturing Company."

Executive Chamber,  
Harrisburg, April 7, 1873.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 58, entitled "An Act to incorporate the Franklin manufacturing company."

This is an iron manufacturing company, and as such can be incorporated under either the act of Assembly of March 21, 1873, entitled "An Act to provide for the incorporation of iron and steel manufacturing companies," or under the general law of July 13, 1863 (P. L. 1864, p. 1102), which provides for the incorporation of persons "for the purpose of carrying on any mechanical, mining, quarrying or manufacturing business in this Commonwealth, except that of distilling or manufacturing intoxicating liquors."

J. F. HARTRANFT.

To the Assembly Vetoing "An Act Supplementary to an Act to Incorporate the Phoenix Iron Company, Approved the 27th Day of April, A. D. 1855, Authorizing Said Company to Issue Bonds and Secure the Same by Mortgage."

Executive Chamber,  
Harrisburg, April 10, 1873.

Gentlemen:

I HEREBY RETURN TO THE SENATE, IN WHICH it purports to have originated, a bill, purporting to be Senate bill No. 603, entitled "A further supplement to an act to incorporate the Phoenix iron company, approved the 27th day of April, A. D. 1855, authorizing said company to issue bonds and secure the same by mortgage."

On the 27th ultimo, I approved a bill, No. 603, of the Senate, and corresponding precisely, in title and contents, with the bill herewith returned, except that in the former the issue of bonds was limited to \$1,500,000, and in the latter, by the omission of a few words, it is left without limit. The present bill I received at a late hour at night.

Whether its passage in the Legislature is due to error or design, the circumstances connected therewith, and the want of any limit to the bonded indebtedness, compel me to withhold my approval.

J. F. HARTRANFT.

Proclamation of a Day of Thanksgiving.—1873.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



wealth.

I N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

THANKSGIVING PROCLAMATION.

Whereas, The President of the United States by his Proclamation has appointed the Twenty-seventh day of November next as a day of Public Thanksgiving.

I do therefore recommend that the people of Pennsylvania in accordance with said Proclamation shall meet on said day in their respective places of worship to return thanks to Almighty God for the manifold mercies He has vouch-



safed to us during the past year and to implore a continuance of His favor, and to pray that the afflicted people of other of these United States may be delivered from the pestilence which is within their borders.

Given under my Hand and the Great Seal of the State at Harrisburg this thirtieth day of October in the year of our Lord one thousand eight hundred and seventy-three, and of the Commonwealth the ninety-eighth.

By the Governor.

M. S. Quay,  
Secretary of the Commonwealth.

Proclamation of the Election of Isaac G. Gordon as a  
Judge of the Supreme Court.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. JOHN F. HARTRANFT,  
Governor of the said Common-

A PROCLAMATION.



Whereas, In and by An Act of the General Assembly of this Commonwealth entitled "An act to provide for the election of judges of the several courts of this Commonwealth, and to regulate certain judicial districts," approved the fifteenth day of April, A. D. one thousand eight hundred and fifty-one, it is

enacted and provided as follows, viz: "Section 9. That on the first Tuesday of November next following any election authorized by this act, the Secretary of the Commonwealth shall, in the hall of the House of Representatives, in the presence of the Governor and such other citizens of this Commonwealth as may choose to attend, cause the returns made to him under the provisions hereof to be opened, and the votes cast for Judges of the Supreme Court to be accurately computed, and the Governor shall forthwith issue his proclamation, declaring so many of the persons voted for for Judges of the Supreme Court as shall be required to be elected by this act, and who have received the greatest number of votes to be duly elected:

And Whereas, The Secretary of the Commonwealth did, at the time and place, and in the manner provided by the act aforesaid, cause the returns of the election made to him to be opened, and the votes cast for Judge of the Supreme Court to be accurately computed, whereupon it appeared that Isaac G. Gordon received the greatest number of votes of the persons voted for to fill the office of Judge of the Supreme Court.

Now Therefore, In obedience to the requirements of the above recited ninth section of the act of the General Assembly aforesaid, I, JOHN F. HARTRANFT, Governor as aforesaid, do hereby issue this my Proclamation, publishing and declaring that, of the persons voted for for Judge of the Supreme Court of this Commonwealth, at the late general election held on the second Tuesday of October last past Isaac G. Gordon having received the greatest number of votes, has been duly elected a Judge of the Supreme Court of this Commonwealth, for the period of fifteen years from the first Monday of December next.

Given under my Hand and the Great Seal of the State, at Harrisburg, this fourth day of November, in

the year of our Lord one thousand eight hundred and seventy-three, and of the Commonwealth the ninety-eighth.

By the Governor.

J. F. HARTRANFT.

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Cancellation of One Million Five Hundred and Four Thousand Six Hundred and Seventy Two Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. JOHN F. HARTRANFT,  
Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas, By the third section of the act of the General Assembly of this Commonwealth, approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight, entitled "An Act to establish a sinking fund for the payment of the public debt," and the Supplement thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the



Sinking Fund created by the said first recited Act of the General Assembly, to report annually and certify to the Governor, the amount received under the said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his Proclamation, stating the fact, and the extinguishment and final discharge of so much of the principal of said debt:

And Whereas, M. S. Quay, Harrison Allen and Robert W. Mackey, Esquires, the Commissioners of the Sinking Fund, in obedience to the requirements of law, report and certify to me, that the amount of the debt of the Commonwealth of Pennsylvania redeemed and held by them, from the first day of December, one thousand eight hundred and seventy-two, to and including the thirtieth day of November, Anno Domini one thousand eight hundred and seventy-three, is One Million five hundred and four thousand six hundred and seventy-two dollars and seventy cents, made up as follows, viz:

Five per cent bonds, .....	\$153,112 46
Six per cent. bonds, .....	1,351,560 24
	<hr/>
	\$1,504,672 70
	<hr/> <hr/>

Now Therefore, As required by the third section of the Act of the General Assembly, first above mentioned, I, JOHN F. HARTRANFT, Governor as aforesaid, do hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of One Million five hundred and four thousand six hundred and seventy-two dollars and seventy cents of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the

State, at Harrisburg, this seventeenth day of December, in the year of our Lord one thousand eight hundred and seventy-three, and of the Commonwealth the ninety-eighth.

By the Governor.

J. F. HARTRANFT.

John B. Linn,

Deputy Secretary of the Commonwealth.

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Annual Message to the Assembly.—1874.

Executive Chamber,

Harrisburg, January 7, 1874.

Gentlemen of the Senate and House of Representatives:

SINCE YOUR LAST MEETING A GRIEVOUS public calamity, in the guise of a financial panic, has visited the country, having in its train a series of disasters. The industrial pursuits and monetary interests of the State have become greatly depressed, the wealth of many of her leading capitalists and most public spirited citizens has been wholly swept away, the business of her corporations paralyzed, the machinery of her manufactories arrested, her mineral, iron, oil and other productions greatly depreciated in value, and poverty and want brought to the firesides of the humble homes of thousands of her honest and industrious citizens, who toil for their daily bread. To remedy these evils, under which all our industries are languishing, so far as relief can be administered by legislation, it is barely necessary to suggest, should be the first duty of your honorable bodies—a duty which I feel assured will be undertaken with care and deliberation, invoking to its aid a fair



share of humanity and the highest practical wisdom. In any measures looking to this object it will be my pleasure heartily to co-operate.

## FINANCES.

It is gratifying to observe that while many of the most substantial securities in the market were more or less depressed during the recent panic, the finances of the State were unshaken, exhibiting unmistakable evidence of the stability of the State credit. The following statement, showing their satisfactory condition will challenge attention:

## DEBT REDEEMED.

During fiscal year ending November 30, 1873:

Six per cent. loan, .....	\$1,308,800 00
Five per cent. loan, .....	153,112 46
Chambersburg certificates, .....	42,760 24
	<hr/>
Total, .....	\$1,504,672 70
	<hr/> <hr/>

## RECEIPTS.

During fiscal year ending November 30, 1873:

Balance in Treasury, November 30, 1872, .....	\$1,482,455 61
Receipts, .....	7,076,723 20
	<hr/>
Total, .....	\$8,559,178 81

## DISBURSEMENTS.

During fiscal year ending November 30, 1873:

Ordinary expenses, .....	\$3,666,325 67
Loans redeemed, .....	1,504,672 70
Interest paid on loans, ..	1,563,029 20
	<hr/>
	\$6,734,027 57
	<hr/>
Balance in Treasury, November 30, 1873, .....	\$1,825,151 24
	<hr/> <hr/>

## PUBLIC DEBT.

## FUNDED DEBT.

Six per cent. loans, . . . . .	\$20,540,580 00	
Five per cent. loans, . . . . .	4,972,354 01	
Four and a half per cent. loans, . . . . .	87,000 00	
		<u>\$25,599,934 01</u>

## UNFUNDED DEBT.

Relief notes in circulation,	\$96,249 00	
Interest certificates out- standing, . . . . .	13,049 02	
Interest certificates un- claimed, . . . . .	4,448 38	
Domestic creditors' cer- tificates, . . . . .	44 67	
Chambersburg certificates outstanding, . . . . .	\$84,829 64	
Chambersburg certificates unclaimed, . . . . .	267 22	
		<u>198,887 93</u>

Total public debt, November 30,

1873, . . . . . \$25,798,821 94

## BONDS IN SINKING FUND.

Bonds of the Pennsylvania Railroad Company, . . . . .	\$5,700,000 00	
Bonds of the Allegheny Valley Railroad Com- pany, . . . . .	3,500,000 00	
		<u>\$9,200,000 00</u>

Cash in Treasury,

November 30, 1873, 1,825,151 24

11,025,151 24

Indebtedness unprovided for, . . . . . \$14,773,670 70

In 1874 the receipts from all sources will be \$1,500,000 less than the receipts of 1873, while the expenditures will not be diminished. This loss of revenue is largely due to the repeal of taxes bearing heavily upon the industrial interests of the Commonwealth, and partly to the prostration of business. The receipts in 1875 may be about the same as those of 1874, but the expenditures will be greater, owing to the additional outlay necessary for schools, Legislature and Judiciary, under the new Constitution, which will then be in full force. Notwithstanding this enormous decrease in the receipts, and increase in the expenditures, it is hoped and believed, that by the most rigid economy in every branch of the government and moderate appropriations, the revenues in the future will be sufficient to meet all the demands on the Treasury, and leave a balance to reduce the indebtedness of the State, as required by the Constitution. I am in accord with those who believe as the debt decreases there should be a corresponding relief afforded to those interests that bear the burden of taxation; but at this juncture I would regard any further reduction of the revenues as unwise. In our list of taxes, however, may be found some that are not strictly "uniform upon the same class of subjects," and very unfair in their operation, and I think, therefore, a revision of our tax laws is now desirable if not necessary.

#### SINKING FUND.

In compliance with the constitutional amendment of 1857, the Legislature in 1858 created a sinking fund for the payment of the interest on the State debt, and for an annual reduction of the principal in a sum not

less than \$250,000 per annum. In addition to the securities designated by the amendment, the revenues arising from certain taxes were assigned to this fund. From that time, each succeeding year, the interest on the debt has been punctually paid, and the portion of principal redeemed instead of amounting to \$250,000 has grown to the immense sum of one to two millions per year. The reason is a simple one. The revenues set apart for the sinking fund, by the natural growth of these special taxes, have become annually much larger, while the amount required to be paid on account of interest, by reason of the rapid decrease of the public debt, has every year become smaller, and in this way the annual credits to the sinking fund have swollen to proportions never contemplated by the original friends of the measure. As an illustration, it is simply necessary to say, that the revenues flowing to this fund were last year over half the entire income of the State, or \$3,500,000, while only \$1,500,000 were needed to pay the interest on the debt. In the mean time, the annual revenues allotted for general purposes have been less than the amount of the annual appropriations of the Legislature, and the Legislature never having made provision for the difference by a reconstruction of the revenues, it became necessary for the Treasurer to pay the deficiencies of appropriations out of the funds properly due to the sinking fund or suspend payment. This condition of affairs places the Sinking Fund Commissioners in an anomalous position, from which it is manifestly the duty of the Legislature to relieve them.

#### THE CENTENNIAL.

The progress of the work of preparation for the Centennial is realizing fully the expectations of our people. The distinguished gentlemen charged with the

details of this vast undertaking are striving zealously, with great intelligence and industry, to perfect all the arrangements in a manner commensurate with the important and conspicuous position our Republic occupies among the nations of the earth. A becoming regard for the dignity and honor of the country, we can hope, will now induce the General Government, and all the States, to extend to the Commission such material aid as will secure this enterprise from every possibility of failure. The city of Philadelphia, whose generosity, in different ways, in behalf of the Centennial, has elicited commendation from all quarters, ceded to the Commission an eligible site in the midst of her beautiful park, whereon the proposed buildings for the exhibition, the plans of which have been adopted, are to be erected. This site was formally transferred and dedicated to its special uses on the 4th of July last, in the presence of a large concourse of citizens. Upon that occasion proclamation of the President was made, wherein the celebration and exhibition were commended to the people of the United States, and a cordial invitation given to all nations who may be pleased take part therein.

With this act the project became a national one, and co-operation was invited and expected from the whole nation; and it is a pleasure to observe that the different States and Territories are earnestly moving with a view to such contributions as will place the celebration not only upon a sound financial basis, but make it a successful exhibition of their various resources and industries. To stamp the Centennial, however, with the character of a national enterprise, it must receive assistance direct and substantial from the National Government. Congress must set the seal of its approbation upon the work of the Commission, and manifest not only an interest in this great undertaking, but a determination that in its proportions and

grandeur the American Exposition shall eclipse all those which have preceded it in Europe, as the development of our resources, the expansion of our grand railway system, and the diversified employment of the arts and sciences in all the avenues of our industry surpass those of the old world.

Pennsylvania must not neglect this opportunity for the display of her rich, varied and inexhaustible products, nor relax her efforts to rescue the exhibition from every mischance to which indifference or distrust may expose it. It is true her contributions have been large, but she must not forget that the nation has signally honored her people by designating her metropolis as the place for the proposed celebration, and she must show by renewed exertions that she appreciates the distinction.

#### THE NEW CONSTITUTION.

Pursuant to an act of the General Assembly, approved June 2, A. D. 1871, the people, by a large majority, voted in favor of calling a Convention to amend the Constitution of this Commonwealth, and the General Assembly, by an act approved April 11, 1872, provided for the calling of the same, and in compliance with its provisions the delegates elected thereto assembled at the State Capital, at Harrisburg, on the second Tuesday of November, 1872, and adjourned sine die on Saturday, December 27, 1873. The Constitution adopted by the Convention was submitted to the qualified electors of the Commonwealth, on the third Tuesday of December, 1873, and by a certificate of the said Convention, on file in the office of the Secretary of this Commonwealth, it appears 253,560 votes were given for, and 109,198 votes against the New Constitution.

In the schedule of the New Constitution it is provided that it shall take effect on the first day of Janu-

ary, 1874. In the act calling the Convention, it is provided that the returns of the votes cast for and against the New Constitution, "shall be opened, counted and published as the returns for Governor are now by law counted and published," and when so ascertained and certified, "the Governor shall declare by proclamation the result of the election." The Constitution of 1838, as well as the New Constitution, provides "that the returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in presence of the members of both Houses of the General Assembly."

The Constitutional Convention, the last day of its session, passed the following preamble and resolution:

"Whereas, It appears by the returns of election in the several counties of the State, held on Tuesday, the 16th day of December, A. D. 1873, that the New Constitution has been adopted by a majority of one hundred and forty-four thousand three hundred and sixty-two; therefore,

"Resolved, That His Excellency, the Governor, be informed by the President of the Convention, of the result, and that he be respectfully requested to issue his proclamation thereof without delay."

I respectfully call your attention thereto, that there may be no unnecessary delay in the counting of the vote cast for and against the New Constitution; that I may in conformity with the provisions of the act calling the Convention, and in compliance with the resolution of the Convention, promptly issue the proper proclamation.

The New Constitution having been approved by a very decided majority of the people, it is expected that all citizens will yield cheerful obedience to its behests, and unite to strictly and faithfully enforce its provisions.

As each day's experience reveals the methods of administration, the conviction grows stronger in my mind that good government depends not so much upon written laws as upon the disposition of the people to comply with the demands of the laws, and the determination of those delegated to execute them, to see that their mandates are enforced. Reform, it will be conceded, cannot be obtained by mere constitutional enactment, nor by surrounding offices and trusts with additional restraints.

The world's history from the earliest ages has shown that no code of laws, however comprehensive or restrictive, will evade man's ingenuity if bent upon overstepping their bounds, and wise and necessary as the provisions of the new Constitution may be, they will never secure the ends designed unless sustained by a strong, active, healthful and intelligent sentiment that will interest itself in public affairs. It will not suffice to enact that integrity and fitness are essential qualifications for office, unless the people see to it that none without these qualifications are selected. It is the indifference and inattention of electors to their primary political duties, connected with nominations and elections, that despoil the law of its sanctity, and afford security to those who wilfully disobey its requirements. Men do not fulfill the obligations of citizenship by merely enjoying the protection our institutions afford. To perform his whole duty to the State every citizen should actively engage in political concerns when the recurring elections invoke his attention and interference. In our system of government every man entitled to vote is invested with a grave public trust, and if, through indifference or neglect, he fails to discharge the sacred duties it imposes, he is almost as culpable as the other who deliberately violates the law. With this new departure in our organic law, let there also be an accompanying resolution on



the part of all good citizens that they will attend diligently and conscientiously to the selection of men for office whose dignity of character and intellect will be an adequate guaranty that the new Constitution will be safe in their keeping.

Upon the present Legislature devolves a duty involving great care and labor, and which if discharged, as I believe it will be, with a proper regard for the public interest, will redound to its credit and honor. To you is committed the important trust of moulding existing regulations into conformity with the change about to be inaugurated in the fundamental law of the State. Bring to the performance of this high and responsible duty all the wisdom you possess, divest yourselves of all selfish considerations, devote time and thought to the work, and with the New Constitution as your constant guide, build up a good and symmetrical system of laws, and let us so far as it lies in our ability start the State forward upon her future career, clothed with ample powers to extend her enterprise, and fulfill her great destiny.

To another consideration I invite public attention. All special enactments are not necessarily bad laws, while it may be equally accepted as true that all general enactments are not good laws. I enjoin upon the people of the whole State increased vigilance in their watch over all legislation. Attempts will doubtless be made to obtain special objects through the instrumentality of General laws, which, while they may benefit one interest or locality, might prove very oppressive to others. Let every citizen who has the interest of the State at heart lend his assistance to the Legislature and Executive, to detect and frustrate such schemes.

#### SCHOOLS.

The interesting report of the Superintendent of Common Schools will command your thoughtful attention,

because of the important subject of which it treats and the many valuable suggestions it contains. Pennsylvania, it will be observed, is making decided progress in the cause of education, increasing the number of schools, enlarging each year the sphere of instruction, extending the time within which schooling may be obtained, and supplying more of the conveniences necessary for the comfort and health of scholars and teachers. For years, in this State, doubts of the practicability of a system of public schools beset and crippled the cause of education, but judicious and careful management has happily dissipated all this mistrust, and our people are now united in the conviction of the utility and wisdom of free and universal instruction. Those concerned in the administration of public affairs are expected to devote to the vital problems of education the time and consideration they deserve, and I have no doubt that the present Legislature will look into and provide remedies for many of the deficiencies that still exist in our present school system. Prominent among the defects is the lack of proper training and other qualifications of the teachers of the schools. "Of the 15,003 teachers receiving certificates to teach during the year, only 374 were found to have a thorough knowledge of reading, writing, arithmetic, geography and grammar, and that practical preparation for their profession which insures success," is the startling declaration made by the Superintendent of Common Schools. There must certainly be a radical change in this regard, if we would have our children attain even the rudiments of an ordinary education. The necessity of establishing Normal schools wherein students are specially qualified and trained for teaching is conspicuously shown in these statistics, and it is a gratification to know that twelve of these useful institutions have been erected or are in process of erection in various part of the

State, and when all are furnished with an able corps of instructors, we can confidently hope the graduates therefrom will largely contribute to supply this pressing need of good and competent teachers. To afford some inducement, however, to teachers to prepare themselves for the duties of their profession, and some assurance of the public appreciation of the difficult, responsible and delicate work they perform, I am satisfied they should receive increased compensation.

Dissatisfaction exists also and complaint is made about the frequent changes of school books, entailing expense upon parents, and subjecting pupils to novel and perplexing methods of acquiring lessons that mystify more than they instruct.

There seems to be an urgent demand for more training of a technical kind, that will fit children for mechanical pursuits and the practical duties of life. I suggest, therefore, that school boards be authorized to make provision for giving instruction in industrial and mechanical drawing, both in day and evening schools; also that schools be established wherein trades may be taught, or arrangements made for such instruction in connection with schools already established, so that skilled mechanics can be graduated, and the principle inculcated that there is nothing ungraceful or undignified in honest and hard labor, and that the handiwork of the skillful artisan will confer in the future as noble a title as any to be achieved in professional callings.

More thorough examination of the subject strengthens me in the conviction that the State must adopt some mode to compel the attendance of those children whose parents are unwilling or unable to allow their offspring to avail themselves of the benefits our school system affords. The solution of this important question presents grave difficulties, but I expect to see them all surmounted. Some plan must be devised to

snatch these children from the career of idleness and crime to which ignorance will consign them. By far the greater portion of the inmates of our penitentiaries never attended schools, or had the advantages of education. Is modern civilization unequal to the task of rescuing the children of the indigent and the criminal from such a fate?

The views expressed in the report of the Superintendent of Common Schools upon this very point, embrace, in my opinion, a feasible plan to secure the attendance at school of every child in the State, and I earnestly solicit your consideration of that part of his report, with the additional suggestion, that when these poor or vagrant children are gathered into schools or homes, that the industrial plan be engrafted upon the conduct of these institutions, so that those taught may also acquire useful trades. Observation shows that a man thoroughly acquainted with a trade is secure against many of the temptations that open the doors of the prison to great numbers whose hands are unskilled and who are unused to any steady or exacting labor. In the able and comprehensive report of the Inspectors of the Eastern Penitentiary for 1872, among other details of value is found this significant statement: that of the 240 convicts admitted to the prison during the year 1871, 90 per cent. had never been apprenticed, and 56 per cent. had never attended school. These figures are eloquently and painfully suggestive of the relations indolence and ignorance bear to crime.

#### SOLDIERS' ORPHANS.

No act of the State ever secured her more honor than that which pledged her people to the care and education of the orphans of the soldiers who fell in her service, and no part of her policy has reflected so much credit upon her people as the fidelity with which they have been redeeming that promise. The generos-

ity which former Legislatures have displayed in providing for the maintenance and instruction of these orphans will now, I am persuaded, bespeak for them like consideration and favor. I feel constrained also to renew my proposition that some measure should be taken to furnish these children with trades.

#### BOARD OF PUBLIC CHARITIES.

During the past year the gentlemen composing the Board of Public Charities have fulfilled the important trust committed to their care with their wonted fidelity and zeal. The results of their labors clearly demonstrate that true philanthropy, well guarded and directed, can be of great practical service to the State.

The numbers of the criminal, pauper, insane and other defective classes that are in some degree dependent on public support, must always be large, and the problem of caring for these multitudes in a way to decrease their number, and so add to the productive force of the community, is one which addresses itself with great force to the attention of the Legislature.

#### PRISONS.

In the light of the reports of the Board of Public Charities and Prison Inspectors, and of my own investigation, I am firmly of the belief that the system of commutation whereby the term of a prisoner is shortened by reason of his good conduct, has been productive of reformatory results. By examination, also, I am possessed of this other conviction, that for the purpose of awakening the self-respect of a prisoner, and to provide him with some incitement to good behavior and industrious habits, every inmate of a prison should be instructed in a trade. When competent to do the work belonging to his particular trade the convict should then receive while in prison as compensation for his labor, a portion of his earnings, to be given to

his family if necessitous, or if he has no family, to be reserved for his own uses when released. Accustomed in this way to toil for those dependent upon his support, the prisoner, when liberated, will be apt to carry into life the skill and habits of industry thus acquired, and make of himself a useful citizen. Society is as much interested in the reformation as in the punishment of the criminal, and experience shows that teaching him a trade contributes to that end.

#### INSANE HOSPITALS.

The hospitals for the insane, under the control of the State, are steadily accomplishing the beneficent work for which they are intended. The hospital at Harrisburg has been full during the whole year, and at the time of the last report the inmates were considerably in excess of the number that can be properly cared for in this institution. The building will have to undergo a series of repairs and improvements to make it a safe and comfortable home for those placed there for treatment.

The hospital at Danville has been in operation about a year, and at the latest report had 160 patients, and at the rate at which patients have been admitted, will have more than its complement before another year has elapsed. It is desirable that the additional wings to this hospital should be pushed forward to completion at the earliest possible day to provide for those greatly in need of accommodation.

To insure the delicate and peculiar treatment required for the insane, too much care cannot be exercised to prevent these hospitals from becoming crowded.

The commissioners appointed under the act approved August 18, 1873, to select a site and build a hospital for the insane of the ten northwestern counties of the State, fixed upon a property at Warren as the most eligible for the purpose, and their selection

has been approved. This property contains 330 acres of land, 300 acres of which are arable land, and cost \$33,000. The numbers of the insane in the north-western section of the State, who imperatively require the accommodations to be furnished at this hospital, admonish us of the necessity for the immediate construction of the buildings.

#### THE CRIMINAL INSANE.

The suggestions of the committee of the Medical Society of Pennsylvania, appointed to prepare a memorial to the Legislature in reference to the proper care and treatment of insane criminals, which will be submitted to you, merit your respectful consideration. The hardship and impolicy of associating this class of the insane with those sent to hospitals for medical and moral treatment must occur to every rational mind. The restraints necessary to secure the few criminal insane in every hospital bear with like rigor upon all the occupants, to many of whom the unusual confinement is extremely hurtful, while it is obvious that if the ordinary discipline is observed this criminal class are liable to escape and renew their depredations upon society. Nor do the intimate relations that must exist between the innocent and the criminal insane when confined together improve the morals of the former, while some sensitive minds among these poor unfortunates feel degraded by enforced contact with those who have been expelled from society for their crimes. It seems to be the duty of the State therefore to provide for the separate confinement of the criminal insane.

#### STATE BANKS, SAVINGS FUNDS, TRUST COMPANIES.

I still adhere to the principles laid down in the Mifflnburg and Wood's Run vetoes of last session. Recent events have demonstrated the necessity of fixing

proper limitations to the powers conferred on these moneyed corporations, and have afforded a practical illustration of the wisdom of rigidly confining them to objects that are recognized by the people as distinctively belonging to such institutions. When a bank of discount is permitted to become also a savings fund, a trust company, an insurance company, to buy and sell real estate, and to have the rights and privileges of a building association, it is difficult to determine what are its legitimate functions, or what security a community has for the safety of its deposits. I have always entertained serious doubts as to the propriety of banks of discount paying interest on deposits, and am now convinced that this pernicious practice should be prohibited. Money will always flow to banks paying interest on deposits, and the large surplus thus aggregated seduced by attractive offers is sent to the great money centres where it gives more impulse to speculation, while the sections from which it is drawn suffer in all their enterprises from the higher rate they are compelled to pay for the money remaining at home. This system of purchasing deposits was confessedly one of the principal causes of the financial crisis of 1857, and of this year. When banks have large deposits on call, and have their loans on time, in the event of any great stringency in the money market, disaster is almost inevitable.

Within a few years many State banks have been chartered, with the captivating names of savings banks, designated to attract deposits. These banks and savings funds are entirely distinct in organization and purpose, and should never be associated in their management. The one is a bank of discount, intended to supply the wants of business, the other is simply a repository for people's money, limited to small amounts to each individual, the aggregate of the amounts thus received to be invested in mortgages on



unincumbered property worth double the amount of the mortgage, and in secure public stocks, in safe proportions. A bank is conducted with the avowed object of benefit to its stockholders; a savings fund is presumed to be managed entirely in the interest of depositors among the laboring classes, or those of limited means and business qualifications, and the essential requisites of which are such prudence and safety in the disposition of the funds as will best enhance their value for the benefit of these classes of depositors. Men in charge of savings funds should have no personal ends to serve; should be above temptation, and receive their highest reward in the good accomplished by inducing a saving habit which, once fixed, leads to prosperity.

The objects of trust companies should be equally specific and well defined. Some of these companies are invested with very extensive powers, are the depositories of immense sums of money and charged with the keeping and management of vast and important trusts. It should be the duty of the State to see that their affairs are administered with fidelity, not only to the individuals who confide in their management, but to the public who are interested in the security and stability of these companies as barriers to wild speculation and its consequent financial panics.

Allow me to suggest, therefore, that all State banks, savings funds and trust companies be made subject to the examination of a committee appointed by proper authority; that these institutions be required to publish quarterly statements, under oath, of the amount of their assets and liabilities and the names of their officers; that by a general law their stockholders be made personally liable for double the amount of stock held by them; and that they be compelled to have constantly in their vaults a cash reserve of ten per cent. of their net liabilities. These examinations, reports and re-

strictions cannot be hurtful to institutions of established credit and high character, while they will disclose the unsoundness or mismanagement of those that ought not to exist.

#### INSURANCE.

The Department, established by an act approved April 4, 1873, for the supervision of the insurance interests of the State, went into operation on the first Monday of May last. By the terms of this act the Department is self-sustaining, and in no way a burden upon the public treasury.

While Pennsylvania can boast of some strong and substantial insurance companies it must be acknowledged that the want of system in the organization and management of these corporations, and the reckless manner in which the Legislature has granted special charters, together with the entire absence of restraining supervision, have introduced defects that cannot be too soon remedied. The capital with which fire insurance companies have been permitted to begin, and continue business, is in most cases entirely inadequate, and immediate steps should be taken to place insurance in this State upon a firm and enduring foundation. To this end, I recommend the enactment of a law providing for the organization and regulation of insurance companies, both fire and life, which shall require a certain amount of capital as a prerequisite to commence business, and designate the kind of investments to be made. It may also be advisable to compel companies already organized to have, within a reasonable time, the entire amount of their nominal capital actually paid in and invested in good securities. Fire insurance, excepting that conducted within a limited sphere upon the purely mutual plan, requires capital, and this capital should be actual and not in the illusory form of stock notes. Taking into consideration the

enormous sums paid annually by the citizens of this State in the shape of premiums to insurance companies they have a right to demand the largest measure of protection against recklessness and fraud.

#### FISH COMMISSION.

The operations of the Fish Commissioners have excited a lively interest among our people, on account of the novelty of the enterprise and the benefits to arise from the successful prosecution of their labors.

Fish culture, it is now conceded, has passed beyond the realms of experiment, and its success in the future is only to be measured by the wants of our people and the capacity of the streams, rivers and lakes of the country.

Pennsylvania is singularly blessed in the superior advantages she possesses for the cultivation of fish. Abounding in waters admirably adapted to their needs, in the insect and other food they supply, there is no reasonable obstacle to stocking our rivers and streams with innumerable and delicious fish of various and even rare kinds.

The work assigned to the commission has been diligently pursued and promises substantial results. Availing themselves of the use of Mr. Seth Green's patent, the Commissioners succeeded in hatching, at Newport, Perry county, where the water is peculiarly fitted for the purpose, about 2,700,000 shad, which were turned into the Juniata river at that point. Two thousand six hundred black bass were also distributed in the Susquehanna, Lehigh and Juniata rivers during the months of July and August last, and through the kindness of Prof. Spencer F. Baird, United States Fish Commissioner, 27,000 California salmon have been planted in the Susquehanna and its tributaries. The bass are not migratory fish and are very prolific. Two or three hundred were placed in the Susquehanna, near

Harrisburg, in 1870, and the rapidity with which they multiply is manifest in the great numbers of this beautiful and choice fish that now are found in the river in that vicinity.

The law of 1873 authorizing the Fish Commission, directed that four fish-ways should be constructed at different dams on the Susquehanna and Juniata rivers, so as to enable shad, on their spring incursions from the sea, to make the ascent of these streams. The question whether shad will ascend an artificial way is still, however, a mooted one, and encountering this doubt, the commission, in the exercise of what will be deemed a sound discretion, concluded to erect but one fishway, and that at the Columbia dam. This way is 120 feet long by 60 feet wide, is very gradual in the incline, and made as nearly conformable as possible to natural ways over which shad do undoubtedly pass, and will afford a practical test of this experiment. If in the spring it is found shad do pass up this fish-way, the others required by law will be constructed without delay.

The hatching-house erected by the Commissioners, near Marietta, and supplied with water from an inexhaustible spring, is said by those familiar with the subject to be complete in its arrangements and furnished with all the necessary appliances for the propagation of fish. The capacity of the house is equal to the proper care of 700,000 young fish, and is susceptible of enlargement, if required. The Fish Commissioners of New Jersey recently had a conference with those of Pennsylvania, with a view to obtain from their respective States such concurrent legislation as will best promote the shad and other fisheries in the Delaware river, and to so harmonize the laws of the two States as to prevent a conflict of authority. Any suggestions resulting from this conference, and submitted for your action, will, I trust, be respectfully considered.

## BUREAU OF STATISTICS.

The report of the Commissioner of Labor and Statistics for the current year, embracing many instructive details, will be read with interest. The organization of this Bureau within a very limited period has, of course precluded it from making any extensive investigations, but enough has been done to demonstrate the necessity for such a department and the service it can render the people by enlarging continuously the knowledge of our resources, trade, internal improvements, and the various processes of education and enlightenment in our midst.

This bureau was created with the special object of investigating the relations of labor and capital, to discover the cause of the frequent contests between employers and employed; to determine what share labor has in the progress and prosperity of the State; to examine with a view to its proper adjustment the question of wages, and to compare and collect facts that will afford a better understanding of the duty of the State to the laboring classes having in view their protection, amelioration and happiness.

No more worthy object invites research or should command public support, when we consider how numerous are those classes in this Commonwealth, how various are the fields for their labor, and how much they have contributed to develop and build up our present grand industries.

In this connection, the propriety of a State census, to be taken in 1875, presents itself with great force. It is of the utmost importance that in 1876, the Centennial year, we should have the most reliable and recent information possible of the extent of our population and products, and of the condition of our labor, agricultural and industrial interests, that we may acquaint the world with all our capabilities and needs, and thus prepare the way for the expansion of our trade and commerce.

## NATIONAL GUARD.

The wisdom of the new militia law is already apparent in the increased efficiency of the several commands, and the enthusiastic spirit aroused among the troops. Rigid inspections have been conducted by the Adjutant General, and the companies not meeting the requirements of the law have been promptly disbanded. Still more encouraging and satisfactory results may be expected from the operation of the new system during the ensuing year, and I invoke the National Guard to renewed efforts to increase its efficiency and perfect its discipline, that it may deserve the confidence and support the public are now willing to extend, and be worthy of the great State whose safety and honor in some future crisis may depend upon the character and valor of her citizen soldiery.

## STATE ARSENAL.

The State having purchased the properties adjoining the Capitol grounds, with a view to their extension, I recommend the removal of the arsenal, situate thereon, and that an appropriation be made to purchase a site and erect an arsenal in some other locality. The service requires a building of this kind, and the cost of the repair of the present arsenal would probably be equal to the expense of erecting a new one, while the beauty and symmetry of the public park will be greatly enhanced by the removal of all buildings from that portion of the grounds.

## POWDER MAGAZINE.

Your attention is particularly directed to that part of the report of the Adjutant General which refers to the sale of the old and purchase of a new site for a powder magazine in the city of Philadelphia, with a suggestion that the new site be sold, on account of its unfitness for the special uses designed, and the addi-

tional reason that to build a new magazine would subject the State to an expense of at least \$25,000. The parties storing powder, under any proper restrictions imposed by the city authorities of Philadelphia, will doubtless gladly avail themselves of the privilege to erect store-houses or magazines of their own, and the State will thus be relieved of a charge which may hereafter be the cause of the destruction of property and a consequent claim for damages.

#### LAND DEPARTMENT.

The report of the Surveyor General gives a detailed and very satisfactory exhibit of the business and condition of his Department. Attention is called to the valuable suggestions made in reference to granting warrants to survey lands and the enlargement of the right of pre-emption, both being shown by experience to be necessary to the better protection of those holding titles from the Commonwealth, and as the subject is of importance to a large class of our people, I earnestly commend the same to your careful consideration.

#### GEOLOGICAL SURVEY.

In my inaugural address mention was made of the rich deposits of minerals found in every part of the Commonwealth, and a suggestion offered that it should be our earnest aim to determine the extent of these deposits and make them available and productive. To provide the highest possible knowledge of the character and location of our valuable minerals we should first institute a thorough geological survey under the supervision of gentlemen whose scientific attainments will be a sufficient warrant that the work will be properly performed. To attain this desirable end, therefore, I earnestly recommend that a geological survey of the State be made under the superintendence of a commission to be composed of ten scientific or

practical gentlemen representing different interests and localities, who understand the necessities for this survey and under whose direction it shall be conducted, the commission to serve gratuitously and to have the selection of a geologist who shall receive such compensation as may be fixed by law.

This survey should be made to embrace a chemical analysis of the different soils and sub-soils of the State, and a simple and intelligible classification and description of the same, from which our farming community may gather some easily comprehended principles to guide them in the cultivation of their land, so as to prevent its impoverishment and increase its productiveness.

#### COLONIAL RECORDS.

The late Governor William F. Johnston, in his annual message in January, 1851, advised the selection and arrangement for publication of the large body of original papers in the State Department connected with our Colonial and Revolutionary history.

In accordance with his advice an act was passed, and during subsequent administrations supplementary acts were passed which resulted eventually in the publication of the invaluable repository of Pennsylvania history, known as the "Colonial Records" and "Pennsylvania Archives." The minutes of the Board of War and Navy Board could not at the date of that publication be found, and have only been recovered since the commencement of my official term. They cover an important period of our Revolutionary history, and are accompanied by vouchers and correspondence; including muster rolls of soldiers and the names of officers, marines and vessels of the Pennsylvania Colonial navy.

As these minutes and accompanying documents are valuable in an historical point of view, and the Colonial



Records and Archives incomplete without them, I respectfully call the attention of the Assembly to the propriety of publishing and preserving them.

#### AMERICAN STEAMSHIP COMPANY.

The American steamship company, an enterprise in which our commercial and industrial interests are so largely concerned, may now be considered an assured success. The beautiful and capacious steamers of the company have been making the passage of the ocean in the same time as those of the old and established lines, and the number of passengers and the freight carried are steadily on the increase. Philadelphia is now in direct communication with Europe, through the medium of a line of splendid steamers of her own, and from this time a new impulse will be given to her commerce that will be felt in every channel of trade throughout the State.

#### PARDONS.

A year's experience in the exercise of the pardoning power has confirmed me in the opinion, expressed in my inaugural, that it is unwise and unjust to impose this responsibility upon a single individual. The importunities of distressed relatives, the personal appeals of men of character and reputation, the inconsiderate and indiscriminate manner in which petitions are signed by responsible parties, the absence of protests in almost every case, and the disproportion between the offence and the penalties frequently imposed, are all calculated to embarrass and prevent a right conclusion. When it is considered, also, that the Executive, in any application, is forbidden to enlist his sympathies, while his discretion is presumed to be proof against ingenuity and falsehood, the perplexity of his situation can readily be conceived.

It has been my constant endeavor to balance con-

siderately the interests of society and the claims of humanity, to sift carefully the evidence presented, and to arrive at a determination only after all the means of information had been exhausted. To compass this latter end, it has been the practice to procure the views of the judge and attorneys of the court who tried the offenders, and almost invariably have their opinions influenced my decision. Appended herewith will be found a report of the pardons granted during the year.

#### FOREST TREES.

I specially invite your attention to an evil of considerable magnitude, which every year grows more aggravated, and in certain regions, at times, is the occasion of serious apprehension and loss. I refer to the wholesale destruction of our forests, the stripping our mountains and hills of their trees, resulting in an enormous diminution of water for mechanical and fertilizing purposes, and in great changes in the normal conditions of temperature and moisture, affecting the general health and at seasons bringing about devastating floods. These consequences, as the effects of this indiscriminate waste, are demonstrable, and a wise legislation will forecaste the future and establish such regulations as will rescue our descendants from the ills a perseverance in this practice will certainly entail upon them.

#### THE EXEMPTION LAW.

The act of 1849 exempting a certain amount of the property of a debtor from levy and sale, on execution or distress for rent, was intended for the wise and humane purpose of protecting his family from sudden and absolute want. This benevolent design is, however, often defeated, and the law practically nullified, by the harrassed debtor waving the benefits of the act to meet the exactions of his creditor. Do not sound

public policy and humanity demand a supplement to this law that will forbid a debtor having a family waiving the benefit of the exemption, so that a household may not be shorn, in an instant, of all the necessaries of life by reason of the weakness, recklessness or misfortune of its head, or to satisfy the greed of a grasping creditor?

#### STATE PRINTING.

By the destructive fire which consumed the printing establishment of the State Printer not only did he lose largely, but a loss was also suffered by the State. At the time of the fire there was considerable work, finished and unfinished, on hand, belonging to the State and to the Constitutional Convention, which latter, by a resolution adopted on the last day of its sessions, authorized the Auditor General and State Treasurer to settle and adjust its accounts with the State Printer, Mr. Singerly.

The State Treasurer and Auditor General, I am informed, desire legislation to enable them to carry out the resolution and intention of the Convention, and I would suggest the legislation you may adopt may also confer like authority upon them to equitably settle and adjust the accounts for printing, binding, and other work, finished and unfinished, done by Mr. Singerly, for the State as well as for the Convention.

#### THE VIENNA COMMISSION.

The Commissioners of the State of Pennsylvania, to the World's Industrial Exposition at Vienna, have made a report of their observations. A number of suggestions included in this report will be of value to those entrusted with the preliminary arrangements and superintendence of the exhibition to be held in Philadelphia in 1876, while the broad, liberal and practical views expressed by the Commissioners will help our

people to a more intelligent comprehension of the purposes and advantages of the Great Centennial.

IN MEMORIAM.

On the 8th of February last, by one of those sudden interpositions which are constantly reminding us of the uncertainty of life and the mysteries of God's providence, ex-Governor John W. Geary, in the prime of manhood and in the midst of a career crowded with honors and usefulness, was, without a moment's warning, summoned to his last account. Testimonials of respect and sorrow befitting the character and services of the deceased, as statesman and soldier, were appropriately and solemnly offered by both branches of the Legislature, the officers of the State and city, and many prominent citizens, who attended the lamented dead to his grave.

The State has been deprived of the services of another useful and eminent citizen in the decease of the distinguished scholar and jurist, Wm. M. Meredith. Recognized for his extensive literary attainments and profound knowledge of the law, well known for his earnest patriotism and fidelity to the interests of the Commonwealth, welcome everywhere for his generous qualities of mind and heart, his death leaves a void in private and public circles that none but corresponding graces and acquirements can ever successfully fill.

A severe loss has also been sustained in the death of Dr. Wilmer Worthington, the respected Secretary of the Board of Public Charities. The impress of his strong mind can be observed, during the last quarter of a century, in various movements to promote the public welfare, and in the several institutions of learning and charity in his own immediate neighborhood, while his conduct as a legislator entitled him to the esteem and secured him the confidence of the people of the whole State.

## CONCLUSION.

The United States has just cause for congratulation in the peaceful solution of our difficulties with Spain without recourse to arms. War is always to be deprecated, and it is to be hoped that in the future, as in the present, the true test of wisdom and good administration will be honorable adjustment of all differences between nations, without flinging the sword into the scale.

Our people are awaiting with painful uncertainty the conclusions to be reached by Congress to meet the financial and business requirements of the country. The questions involved are of grave import, demanding broad and comprehensive views of public policy, and the action of Congress will have much to do with widening or dispelling the feeling of distrust that now holds so many of our vast industries in its thrall and paralyzes trade and commerce. Despite the temporary prostration of business and enterprise we have, however, eminent occasion for thankfulness to the Supreme Being, whose gracious care and beneficence are manifest in every stage of our progress as a nation. War and its attendant evils have been averted, we have the full measure of the earth's bounty in abundant crops, increased familiarity with our resources is revealing new fields for development, the ties of reconciliation and union are being more closely cemented, the spirit of reform is chastening our politics and invading every avenue of government, respect abroad and confidence at home are giving strength and stability to our institutions, while the future seems fraught with opportunities of usefulness and glory for our Republic. To have a share in shaping the destinies of such a nation is surely no inconsiderable honor, and we who are charged with the control of one of the members of this grand confederacy should apply ourselves to our several employments with a becoming

sense of the dignity and magnitude of the trust, and a firm reliance on Him who directs all our ends.

JOHN F. HARTRANFT.

Executive Chamber,  
Harrisburg, Pa., January 7, 1874.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Black Lick Improvement Company, Approved the 5th Day of April, A. D. 1872, Extending the Time to Pay the Enrolment Tax in Said Act, Adding to the Corporators Named in Said Act, and Relative to the Payment of Subscriptions to the Capital Stock of Said Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 867, entitled "A supplement to an act to incorporate the Black Lick improvement company, approved the 5th day of April, A. D. 1872, extending the time to pay the enrolment tax in said act, adding to the corporators named in said act, and relative to the payment of subscriptions to the capital stock of said company."

Before this supplement had been passed the bill to which it relates had become null and void through failure to pay the enrolment tax within the time fixed by law.

My objections to legislation of this kind have already been expressed in my message of March 31, 1873, disapproving of House bill No. 653, entitled "An Act extending the time for the payment of the enrolment tax on acts heretofore passed."

J. F. HARTRANFT.

To the Assembly Vetoing "An Act Supplementary to An Act to Incorporate the Russian Bath Company, Approved February 26, A. D. 1872."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 624, entitled "An Act supplementary to an act to incorporate the Russian Bath company of Pittsburg, approved February 26, A. D. 1872."

Before this supplement had been passed the bill to which its relates had become null and void through failure to pay the enrolment tax within the time fixed by law.

My objections to legislation of this kind have already been expressed in my message of March 31, 1873, disapproving of House bill No. 653, entitled "An Act extending the time for the payment of the enrolment tax on acts heretofore passed."

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Relative to Absentees."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 423, entitled "An Act relative to absentees." Although the purpose of this bill is unobjectionable, some of its provisions confer excessive powers over the estates of absent persons, and might permit the perpetration of great abuses.

The right to control the property of a person without his consent, and to manage and to sell it during his absence, is one which, if granted at all, should be more carefully exercised and more thoughtfully guarded than this bill requires.

J. F. HARTRANFT.

To the Senate Transmitting a Proclamation Concerning the New Constitution.

Executive Chamber,  
Harrisburg, January 8, 1874.

Gentlemen:

I HAVE THE HONOR TO TRANSMIT FOR THE information of the Senate a certified copy of a proclamation issued by me on the seventh instant, declaring the result of the election held by the qualified electors of the Commonwealth on the 16th day of December, 1873, to decide for or against the adoption of the new Constitution.

J. F. HARTRANFT.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-



Whereas, In compliance with an act of the General Assembly of the Commonwealth, entitled "An Act to provide for the calling a Convention to amend the Constitution, approved by the Governor the 11th day of April, A. D. 1872, the qualified electors of this Commonwealth



elected delegates to a Convention to revise and amend the Constitution of this State," with power to propose to the citizens of this Commonwealth for their approval or rejection a new Constitution, or amendments to the present one, or specific amendments to be voted for separately:

And whereas, In compliance with the said act the delegates so elected assembled in Convention on the 2d Tuesday of November, A. D. 1872, and adopted at Philadelphia, on the 3d Tuesday of November, in the year of our Lord one thousand eight hundred and seventy-three, a "Constitution of the Commonwealth of Pennsylvania:"

And whereas, The Constitution, by said Convention so adopted, was submitted to the qualified voters of this Commonwealth for their approval or rejection, at an election therefor by said Convention, appointed on the 16th day of December, in the year of our Lord one thousand eight hundred and seventy-three:

And whereas, The returns of the said election were by the act of Assembly aforesaid directed to be returned, opened, counted and published as the returns for Governor are now by law counted and published, and when the number of votes given for or against the new or revised Constitution, or for or against separate specific amendments, if any, shall have been summed up and ascertained, and the duplicate certificate thereof delivered to the proper officers, the Governor shall declare by proclamation the result of the election, and if a majority of the votes polled shall be for the new or revised Constitution, or for any separate specific amendments, such new or revised Constitution and separate specific amendments shall be thenceforth the Constitution of this Commonwealth:

And whereas, The returns of the election so held for the adoption or rejection of the said Constitution, adopted by the aforesaid Convention, were returned in

compliance with the requirements of the said act of the General Assembly of this Commonwealth, and delivered to the Speaker of the Senate on the 7th day of January, in the year of our Lord one thousand eight hundred and seventy-four:

And whereas, By a certificate of this date on file in the office of the Secretary of the Commonwealth, signed by the Hon. Butler B. Straug, Speaker of the Senate of this Commonwealth, and the Hon. Henry H. M'Cor-mick, Speaker of the House of Representatives of this Commonwealth, it appears that the Speaker of the Senate of this Commonwealth, on the 7th day of January, A. D. 1874, in the Hall of the House of Representatives in the State Capitol, opened, counted and published the returns of the election to decide for or against the adoption of the said Constitution, adopted by the aforesaid Convention, and summed up and ascertained the number of votes given for and against the same at said election in the presence of both houses of the Legislature of this Commonwealth, conformably to the laws of this Commonwealth, and that upon counting the votes it appeared that the number of votes given for the new Constitution was 253,744, and the number of votes given against the new Constitution was 108,594, showing a majority of 145,150 votes in favor of the new Constitution; therefore,

I, John F. Hartranft, Governor of this Commonwealth, have caused this proclamation to issue, and in pursuance of the said act of the General Assembly of this Commonwealth, and in compliance therewith, do hereby declare that at the election held on the 16th day of December, in the year of our Lord 1873, of the qualified voters of this Commonwealth, to decide for or against the adoption of the new Constitution, in Convention adopted at Philadelphia, on the 3d day of November, in the year of our Lord 1873; 253,744 votes were given for the adoption of the same,

and 108,594 votes were given against the adoption of the same—a majority of 145,150 of the votes polled at said election being in favor of the adoption of the said new Constitution, and that the said new Constitution has been adopted by the qualified voters of the State, and is the Constitution of this Commonwealth.

[L. S.] Given under my hand and the great seal of the State, at Harrisburg, this 7th day of January, in the year of our Lord 1874, and of the Commonwealth the ninety-eighth.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

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To the Assembly Vetoing "An Act to Incorporate the Westmoreland Mining, Manufacturing and Improvement Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 766, entitled "An Act to incorporate the Westmoreland mining, manufacturing and improvement company."

This company can be incorporated under the general laws of this Commonwealth.

The right conferred by this bill to issue bonds to an unlimited amount, furnishes an additional reason for the disapproval of this legislation.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the American Tube Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 878, entitled "An Act to incorporate the American tube company."

A protest was filed by a member of the last House of Representatives against this bill being approved, upon the ground that it was not passed by the House. I caused the Journals of the Senate and House to be examined, and find the bill passed the Senate, March 18, was reported to the House, March 21, objected from the private calendar, April 1, and on the objected calendar, April 9, 1873, and lost. As the Journal of the House shows that this bill did not pass that body, it must have been certified to me by mistake, and I therefor return it without my approval.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Minnequa and Canton Passenger Railway Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 781, entitled "An Act to incorporate the Minnequa and Canton Passenger railway company."

Franchises are conferred upon this company without fixing any time within which the people shall re-

ceive any benefit from their grant. The company is left to commence and complete its road at pleasure.

The right to enter the boroughs of Alba and Canton, and to use and occupy their streets, is, in my opinion, one which ought not to be granted without the consent to the officers of the boroughs, and unless accompanied with such restrictions as will guard against its abuse.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Relative to the Schuylkill County Prison and to Discharged Convicts."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 854, entitled "A supplement to an act, entitled 'An Act relative to the Schuylkill county prison, and to discharged convicts,' approved April 1, A. D. 1852."

This bill provides that the court of common pleas and the criminal court of Schuylkill county shall each appoint a certain number of persons to constitute a board for the management of the prison of that county.

The new Constitution expressly abolishes the criminal court, and therefore prevents the creation of the board in the manner contemplated.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Phosphor Bronze Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1504, entitled "An Act to incorporate the Phosphor bronze company."

The general law of 18th July, 1863 (P. L. 1864, p. 1102), will enable this company to engage in a general manufacturing business; and the supplement of 27th March, 1867 (P. L. 47), will permit it to deal in patents and patent rights, and to manufacture and sell patented articles.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Provide for the Sale of the Almshouse Property in the Twenty-seventh Ward in the City of Philadelphia, and for the Erection of an Almshouse in the Twenty-third Ward of Said City."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1609, entitled "An Act to provide for the sale of the almshouse property in the Twenty-seventh ward of the city of Philadelphia, and for the erection of an almshouse in the Twenty-third ward of said city."

This bill not only empowers but directs that the authorities of the city of Philadelphia shall provide for the abandonment of the almshouse buildings located

in the Twenty-seventh ward of said city, and construct new buildings on the ground on which the House of Correction is now being constructed in the Twenty-third ward, to be completed within two years from the passage of this act, at cost, not to exceed two millions of dollars. And if said authorities shall not, within sixty days from the passage of this act, provide by ordinance for the removal of said almshouse, sale of the land attached thereto, and erection of a new almshouse, that then the mayor and presidents of the select and common councils, chief commissioner of highways, and president of the board of guardians of the poor of said city, shall constitute a board of almshouse commissioners to remove said almshouse, sell said lands, and erect the new house. The lands by this bill directed to be sold, comprise, I am told, about one hundred and fifty acres or over, and are of very great value, and by its provisions new buildings are to be erected at a cost not to exceed two millions of dollars, without affording the citizens of Philadelphia—the owners of the property to be sold, and who must, by taxation, pay for the construction of the new building, any voice in the matter.

It is hardly necessary to say, a bill so utterly regardless of the rights of the citizens of Philadelphia cannot receive my approval. I had occasion to express similar views in returning without my approval to this session, Senate bill No. 1551, directing the sale of lands, "being part of a lot formerly known as the parade ground." The bill is mandatory. It leaves no power or discretion in the city authorities. If approved, it would be obligatory upon the authorities of the city to obey it, whatever might be the voice or wish of its citizens—however destructive of their interests, or whatever taxation it might impose upon them.

The select and common councils of Philadelphia, by resolution, approved by the mayor, April 15, 1873, and

the board of guardians of the poor of said city, by resolution, passed May 26, 1873, have requested me to withhold my approval of this bill.

For the reasons stated, and in compliance with the resolutions referred to, I return the same without my approval.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Austin Contract and Improvement Company."

Executive Chamber,

Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1653, entitled "An Act to incorporate the Austin contract and improvement company."

Among the powers sought to be conferred upon this company are the right "to contract with any person, corporation, firm, or other party however formed, existing or that may exist, to build, construct, maintain or manage any work, public or private, and supply or furnish all needful material, labor, implements, instruments and fixtures of any and all kinds;" to own and hold securities of any form either as collateral or otherwise, and dispose of the same at pleasure;" "to hold, own and dispose of such other personal or real estate as a majority of the stockholders of said corporation may at any time approve in writing, or by resolution at any meeting of the stockholders;" to commence business when twenty-five hundred dollars have been paid in, and to reduce its capital stock at pleasure. These are not all the privileges which this bill grants, but



when taken in connection with the further privileges conferred to change its name, and select any place, either within or without this Commonwealth, for the operations of this company, they are sufficient to demonstrate that this incorporation is not desired for any definite and useful object, but merely for the purposes of speculation, and to make a marketable charter to cover doubtful enterprises.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Employment and Construction Company of the City of Philadelphia."

Executive Chamber.

Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1652, entitled "An Act to incorporate the Employment and Construction company of the city of Philadelphia."

This company desires the right to enter into contracts with any number of men to secure their labor and services for any length of time, and to hire their labor and services to any person, firm or corporation.

This is a privilege no company ought, in my opinion, to possess. It prevents a free competition for labor. It enables this company to keep men under obligation, and thus prevent other companies from obtaining their services, except at unusual and excessive rates.

It deprives men of the right to choose their employment, and compels them to labor at the pleasure of the corporation.

The bill further authorizes the company to deal in real estate; to issue bonds, with or without coupons, to

any extent; to commence business without paying any capital, and prevents the stockholders from being liable in any way for their contracts with laboring men.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Hestonville Bank."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1662, entitled "An Act to incorporate the Hestonville Bank."

The capital of this bank is fixed at fifty thousand dollars, with power to increase the same to five hundred thousand dollars, and upon the payment of twenty-five thousand dollars of its capital stock organize and commence business, and empowered to hold in trust, or as collateral security for loans, &c., "estate real, personal or mixed." There is no time fixed for the payment of the balance of its capital stock, and power is given to the directors to dispose of the same to stockholders "at such price as the board of directors may name," and "to dispose of such shares of new stock in such manner as they may deem best," if not taken by the old stockholders.

On the third of March last, in returning to the Senate a bill, entitled "An Act to incorporate the Mifflinburg Bank," I expressed my views as follows: "Sound banking as well as protection to the community in which it is located, and with which doing business, demand a proper definite amount of capital to be paid in before commencing business, and the balance within a

reasonable time thereafter, not to exceed one year, and the same as to any increase of capital stock. The bank incorporated by this bill has all the powers conferred upon savings banks, and perhaps in its business operations would invite and receive large amount of deposits, often the savings of persons of limited knowledge and means, and it certainly is the duty of the Commonwealth creating these institutions, and thereby conferring upon them a credit which otherwise they would not enjoy, to guard them with proper limitations and restrictions for the security of depositors. It is a duty she owes to herself, and especially to those who may, perhaps be led thereby to entrust to their keeping their hard earned savings. One way of so doing is to require their capital stock to be paid in money— a part when they go into operation, and the balance within a reasonable time thereafter. Those upon whom the privilege and profits are conferred should be required to incur some risk, and not the depositors to incur it all.”

“Again, I object to the provision authorizing the stock to be disposed of” at such price as the directors may name, “it should be at no less than its par value. Stock issued by a bank should represent capital paid in, and in amount what it purports to represent.”

The views then expressed have been confirmed by the experience of the past year, and as the provisions of this bill conflict therewith, and in my judgment are not such as sound banking and proper protection to the community demand, I return the same without my approval.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Merchants' and Manufacturers' Bank of the City of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1518, entitled "An Act to incorporate the Merchants' and Manufacturers' Bank of the city of Philadelphia."

The capital of this bank is fixed at one hundred thousand dollars, with power to increase the same to two million dollars, and upon payment of twenty-five thousand dollars of its capital stock, organizes and commences business, and is empowered to hold in trust or as collateral security for loans, etc., "estate, real, personal or mixed." There is no time fixed for the payment of the balance of its capital stock, and power is given to the directors to dispose of the same to stockholders, "at such price as the board of directors may name," and "to dispose of such shares of new stock in such manner as they may deem best," if not taken by the old stockholders.

On the 3d of March last, in returning to the Senate, a bill, entitled "An act to incorporate the Mifflinburg Bank," I expressed my views as follows: "Sound banking as well as protection to the community in which it is located and with which doing business, demand a proper definite amount of capital to be paid in before commencing business, and the balance within a reasonable time thereafter, not to exceed one year, and the same as to any increase of capital stock. The bank incorporated by this bill has all the powers conferred upon savings banks, and perhaps in its business operations, would invite and receive large amount of deposits, often the savings of persons of limited knowl-

edge and means, and it certainly is the duty of the Commonwealth creating these institutions, and thereby conferring upon them a credit which otherwise they would not enjoy, to guard them with proper limitations and restrictions for the security of depositors. It is a duty she owes to herself, and especially to those who may, perhaps, be led thereby to entrust to their keeping their hard-earned savings. One way of so doing is to require their capital stock to be paid in money—a part when they go into operation, and the balance within a reasonable time thereafter. Those upon whom the privilege and profits are conferred should be required to incur some risk, and not the depositors to incur it all.”

“Again, I object to the provision authorizing the stock to be disposed of ‘at such price as the directors may name’—it should be at not less than its par value. Stock issued by a bank should represent capital paid in, and in amount what it purports to represent.”

The views then expressed have been confirmed by the experience of the past year, and as the provisions of this bill conflict therewith, and in my judgment are not such as sound banking and proper protection to the community demand, I return the same without my approval.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Bunker Hill and Lafayette Railroad Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1670, entitled "An Act to incorporate the Bunker Hill and Lafayette railroad company."

Under the powers conferred by this bill, this company may hold an unlimited amount of land in M'Kean county, improve and develop it at pleasure, and engage in many kinds of business totally disconnected with that of operating a railroad.

Its directors may reside in any portion of the United States, and hold any or all of their meetings for the management of the road outside of this Commonwealth.

Franchises ought not, in my opinion, to be granted to a railroad company which will enable it to conduct a variety of enterprises.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Middle Lehigh Coal Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 773, entitled "An Act to incorporate the Middle Lehigh coal company."

The general laws of this Commonwealth already provide for the incorporation of companies for the purposes contemplated by this bill.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Authorize and Require the Sale of a Lot of Ground Belonging to the City of Philadelphia, Bounded by Wharton and Reed Streets and Eleventh and Twelfth Streets, in the Said City, and Being Part of the Lot Formerly Known as the Parade Ground."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1551, entitled "An Act to authorize and require the sale of a lot of ground belonging to the city of Philadelphia, bounded by Wharton and Reed streets, and Eleventh and Twelfth streets, in the said city, and being part of the lot formerly known as the parade ground."

This bill not only empowers but compels the mayor of Philadelphia, within six months after its passage, to advertise and expose to public sale and sell certain real estate belonging to the city—being part of a lot formerly known as the parade ground, or to lay out streets through the same, and sell the building lots, and that same shall be sold subject to the restriction "that no building shall be erected on the said lot or lots other than stores or dwelling houses."

This act is mandatory upon the mayor to sell, perhaps the city of Philadelphia does not desire it sold. I think the city, through its councils, should have the power to determine whether it desires to sell or retain its real estate. Had the bill contained a provision submitting the same to the councils and mayor of said city for their approval I would have approved it. Again, the restrictions imposed upon the uses which the purchasers may make of the same, might very materially decrease the price it would bring. Is it right to thus direct the property of a city to be sold, and impose re-

restrictions thereon, which might greatly depreciate its value, without enabling the city, through its councils, to be heard in relation thereto? I think not.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Montour Valley Railroad Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 787, entitled "An Act to incorporate the Montour Valley railroad company."

This bill creates a corporation with powers very extensive and general. It may hold two thousand acres of land, mine, farm, improve and sell the same, and deal generally in all "kinds of property, real, personal and mixed, and the same, from time to time, buy, sell, alien, lease, mortgage and encumber in such way and to such extent as its board of directors may determine." It is empowered "to purchase, lease, construct, build, equip, manage and operate a railroad, double or single track," at or near the city, of Pittsburg, with branches; borrow money not exceeding fifteen thousand dollars per mile on each mile of road, and one thousand dollars on each acre of land—and also mortgage its personal property and change its name. It may organize upon the payment of five hundred dollars of its capital stock, and no provision is made for the payment of any additional capital stock or for liability on the part of the stockholders.

The powers conferred by this bill are so dissimilar and extensive—the capital required upon its organization so entirely inadequate therefor, that I cannot give it my approval.

J. F. HARTRANFT.



To the Assembly Vetoing "An Act Authorizing the Borough of Brookville, Jefferson County, to Borrow Money, to Issue Bonds Therefor, and to Levy and Collect an Additional Tax to Pay the Same."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1573, entitled "An Act authorizing the borough of Brookville, Jefferson county, to borrow money, to issue bonds therefor, and to levy and collect an additional tax to pay the same."

The object of this bill is to enable the borough of Brookville, Jefferson county, to borrow money and issue bonds therefor, which shall not be subject to taxation.

No reason is shown why this exemption should be granted, and the bonds of this borough be freed from a burden to which those issued by other boroughs for the same purposes are subject.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Perpetuate the Charter of the Corry Provident Building and Loan Association, and to Increase the Shares of the Same."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1781, entitled "An Act to perpetuate the charter of the Corry Provident building and loan association, and to increase the shares of the same."

This corporation desires to remove the limitations upon the length of its corporate existence, and the number of shares it is at present entitled to issue.

These limitations are imposed by general laws upon all corporations of this kind, and if they had proved to be unwise they would no doubt have been repealed by a general law.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Equality Life Insurance Company of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1750, entitled "An Act to incorporate the Equality Life insurance company of Philadelphia."

The tenth section of this bill contains a provision, which, in my opinion, expressly exempts this company from the operation of general laws, regulating insurance companies, and prevents future legislatures from exercising such control over its conduct as the interests of the public may require.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the American Advertising Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 772, entitled "An Act to incorporate the American advertising company."

The capital of this company is fixed at twenty thousand dollars, with power "to increase the same to an extent necessary to carry out the purposes of the company." No provision is made for its payment, no liability imposed upon its stockholders, and it also conflicts with the general laws of the Commonwealth for the payment of the taxes it would be liable for.

For which reasons I cannot approve the same.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Engle Keller Manufacturing Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 747, entitled "An Act to incorporate the Engle Keller manufacturing company."

The general laws of this Commonwealth provide for the incorporation of manufacturing companies without the necessity of special legislation for that purpose.

J. F. HARTRANFT.

To the Assembly Vetoing "A Supplement to an Act Incorporating the Pittsburg and Ormsby Passenger Railway Company, Approved April 6, 1870."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 528, entitled "A supplement to an act incorporating the Pittsburg and Ormsby Passenger railway company, approved April 6, 1870."

The first section of this bill gives the company the power "to have and hold the right of way" from its present terminus to a point on the Monongahela river. No condition or limitation is attached to this grant. No time is designated within which it shall be used. The company may not merely decline to construct a railway between these points, but may prevent other companies from doing so.

An exclusive grant of such franchises ought not, in my opinion, to be made, unless it is accompanied with an obligation to use them within a reasonable time for the benefit of the public.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Philadelphia Real Estate Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 516, entitled "An Act to incorporate the Philadelphia real estate company."

The capital stock of this company is fixed at one hun-

dred thousand dollars, with authority to increase it to five hundred thousand dollars, or issue bonds at a rate of interest not exceeding eight per cent. It may organize upon the payment of twelve thousand five hundred dollars. It is empowered to acquire, by purchase, lease, or otherwise, one thousand acres of land in the city of Philadelphia, and the same improve, build on and develope and lease, sell, mortgage or otherwise dispose of, &c.

The powers conferred by this bill are very great—to hold and improve one thousand acres of land in the city of Philadelphia. In my judgment it is inexpedient to confer the same upon a corporation, unless public necessity requires it. If the object sought by the corporators, is that of a building association, there is a general law therefor with proper liabilities and restrictions.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Pacific Land and Mining Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1383, entitled "An Act to incorporate the Pacific land and mining company."

The three corporators named in this bill ask for themselves, their successors and assigns, the widest exercise of legislative assistance. They desire a perpetual corporate existence; the right to hold lands of an unlimited extent in any State or Territory of the United States; to dispose of and improve real estate;

to erect buildings and other improvements; to mine; to issue stock and to change its corporate name.

The objects for which these enormous powers are to be used are not expressed, and public policy forbids their grant without some restriction upon their use.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Southern Land and Mining Company."

Executive Chamber,

Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1382, entitled "An Act to incorporate the Southern land and mining company."

This corporation seeks powers of almost unlimited extent for the most obscure purposes. It asks for an unending existence—an unrestricted right to hold land or lands in any State or territory of the United States; to sell and improve real estate; to erect buildings; to mine, to issue stock and change its corporate name.

Public policy forbids the incorporation of a company with objects so indefinite, powers so great, and personal liability for its acts so minute and uncertain.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the  
Chester Wharf and Shipping Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1379, entitled "An Act to incorporate the Chester wharf and shipping company."

This company endeavors to obtain extensive corporate powers by a vicious principle of legislation. It asks privileges contained in a charter granted by an act of Assembly passed in 1871. That charter in turn contains the powers granted in two charters passed by earlier acts of Assembly. The franchises thus granted are therefore not plainly set forth—were probably not fully expressed, and perhaps would not have been granted if plainly and originally expressed.

Some of the provisions reduce the amount of taxes to be paid the State, alter the manner and time of making such payment, and thus conflict with our general laws on the subject of taxation and introduce confusion and trouble in collecting the revenues of the Commonwealth.

J. F. HARTRANFT.

To the Assembly Vetoing "A Supplement to an Act Incorporating the Ruby Silver Mining Company of Colorado, Approved March 29, 1871, Defining the Powers of the Board of Directors."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1374, entitled "A supplement to an act incorporating the Ruby Silver mining company of Colorado, approved March 29, 1871, defining the powers of the board of directors."

The privilege this company asks is that a majority of its directors, residing in this State, may transact its business with the same power and effect as if a majority of all the directors were present.

In this manner the moneyed and other interests of this corporation might be committed to the control of a minority of the directors without the consent and contrary to the interests of the stockholders.

As the act incorporating this company expressly prevented it from operating within this Commonwealth, its directors ought to meet where its business is transacted.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Lafin Powder Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1385, entitled "An Act to incorporate the Lafin powder company."

This company can be incorporated for the purpose of



manufacturing powder under the general laws of this Commonwealth. This legislation is not only unnecessary, but it is objectionable, in that it fixes no limit on the amount of the stock of the company, or the indebtedness it may incur.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Enterprise Warehouse and Deposit Company of Indiana County."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1373, entitled "An Act to incorporate the Enterprise warehouse and deposit company of Indiana county."

This bill incorporates a warehouse company, a bank and an insurance company. The Constitution provides that "no corporate body shall be hereafter created, renewed or extended with banking or discounting privileges without six months' previous public notice, and for no longer period than twenty years." No such notice was given in this case, as I can ascertain. Its capital is \$10,000, with power to increase to \$500,000. It may organize and commence business when \$5,000 of its capital is paid in, and no provision is made for the payment of the additional capital. Its power to sell goods, &c., deposited with it is objectionable. A corporation of this character, with powers so extensive and dissimilar, with liability so nominal, I cannot approve.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Lancaster Transfer Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1434, entitled "An Act to incorporate the Lancaster transfer company."

This bill incorporates a company to transport merchandise, with power to buy and sell the same. It may organize upon the payment of five hundred dollars stock and increase its capital to an unlimited amount, and borrow money to a like amount. No time is fixed when the stock shall be paid in. It imposes no individual liability except under "the Lackawanna clause," which, in this case, would be of no avail to those entrusting their goods and property to it for transportation. For which reasons I cannot approve the same.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Gibraltar Insurance Company Under the Provisions of an Act of the 31st of August, 1869 Incorporating the National Fire and Marine Insurance Company of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1233, entitled "An Act to incorporate the Gibraltar insurance company, under the provisions of an act of the 31st of August, 1869, incorporating the National fire and marine insurance company of Philadelphia."

This bill departs from the provisions of the general laws to which all insurance companies should be subject and in conformity to which incorporation should be granted.

It enables the company to use its funds, to buy and sell negotiable paper and other evidences of indebtedness, confers banking and discounting privileges, and thus reduces the security to which those who insure in it are entitled.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Standard Steel Company, and to Authorize it to Construct a Branch Railroad."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 824, entitled "An Act to incorporate the Standard steel company, and to authorize it to construct a branch railroad."

This bill creates a company for purposes for which incorporation can be obtained without further legislation, under the general laws of this Commonwealth, grants the right to hold an unusual and excessive quantity of land, and fails to provide for any individual liability on the part of the stockholders for corporate indebtedness.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act Relative to Assessments in the Borough of South Bethlehem, Northampton County."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1787, entitled "An Act relative to assessments in the borough of South Bethlehem, Northampton county."

This bill duplicates an act which was passed at the last session of the Legislature, was approved by myself, and has already become a law.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Graybill Mercantile Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1037, entitled "An Act to incorporate the Graybill mercantile company."

The general laws of this Commonwealth substantially grant the privileges this company desires to obtain by this bill.

No provision is made for the payment of the stock of the company, and the stockholders are expressly relieved from any personal liability to the creditors of the company when they have paid the par value of the stock to which they have subscribed.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Compound Trust Bank."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 207, entitled "An Act to incorporate the Compound Trust Bank."

In the title this corporation is styled a trust company, in the bill it is named as a bank. It is empowered to own, hold, improve and dispose of real estate without limitation as to quantity. Its capital is one hundred thousand dollars, with power to increase the same to five hundred thousand dollars. It may organize upon the payment of twenty-five thousand dollars. There is no provision for the payment of any further stock. There is no individual liability imposed upon the stockholders. It is a bank with the additional powers of a land company.

Capital of a bank should be required to be paid up, and its stockholders made individually liable to some extent. Protection to the public requires this policy to be adhered to; also, that its power should be restricted to what properly appertains to banking.

For the reasons stated, I return this bill without my approval.

J. F. HARTRANFT.

To the Assembly Vetoing "A Supplement to an Act Entitled 'An Act to Incorporate the Stevenson Varnish and Paint Company of the County of Allegheny,' Approved 9th of April, 1872."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1043, entitled "A supplement to an act, entitled 'An Act to incorporate the Stevenson varnish and paint company of the county of Allegheny,' approved 9th April, 1872."

The act to which this bill is a supplement has become null and void through failure to pay the enrolment tax within the time fixed by law.

My objections to legislation of this kind have already been expressed in my message of March 31, 1873, disapproving of House bill No. 653, entitled "An Act extending the time for the payment of the enrolment tax on acts heretofore passed."

J. F. HARTRANFT.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Brookville Gas and Water Company, Approved the 24th Day of March, A. D. 1849."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 986, entitled "A supplement to an act to incorporate the Brookville gas and water company, approved the 24th day of March, A. D. 1849."

The legislation intended by this bill is not merely without justification, but almost without precedent. It revives a private act of Assembly, which was never used, although passed in 1849, and on which the enrolment tax has never been paid. It removes the old corporators, substitutes entirely new ones, and gives them the right to sell the charter and franchises of the company, either before or after an organization has been effected.

A private act neglected for such a period of time proves that it was unnecessary, and the attempt to recall it into existence seems to be made for the purposes of speculation, and not for the benefit of the public.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Bullock Printing Press Company of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 966, entitled "An Act to incorporate the Bullock printing press company of Philadelphia."

This company can be incorporated under the general law of 18th July, 1863 (P. L. 1864, p. 1102), entitled "An Act relating to corporations for mechanical, manufacturing, mining and quarrying purposes," and the various supplements thereto.

The right to create an unlimited amount of capital stock and to issue certificates of stock at pleasure, is one no corporation ought, in my opinion, to possess.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act for the Payment of Ira C. Mitchell for Recruiting Services."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 953, entitled "An Act for the payment of Ira C. Mitchell for recruiting services."

The claim of Ira C. Mitchell ought, in my opinion, to be settled like all other claims of a similar nature, without receiving preference by special legislation, which might, in the end, result in making the Commonwealth responsible for it.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act for the Protection of Deer in the County of Pike."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 944, entitled "An Act for the protection of deer in the county of Pike."

On the 1st day of May, A. D. 1873, I approved a general law, entitled "An Act to amend and consolidate the several acts relating to game and game fish," (P. L. 1873, p. 89), which establishes a uniform law on this subject for the entire Commonwealth, and in my opinion removes such evils as are properly complained of in this bill.

If it does not, such amendments can be made as will remedy this defect, and render separate and special legislation for each county unnecessary and prevent a multiplication of local laws.

J. F. HARTRANFT.



To the Assembly Vetoing "An Act to Incorporate the  
Machinists' Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPRO-  
val, Senate bill No. 909, entitled "An Act to incor-  
porate the Machinists' Company."

Ample provision for the incorporation of manu-  
facturing companies is made under the general laws of  
this Commonwealth.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the  
Central Mutual Life Insurance Company of Penn-  
sylvania."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPRO-  
val, Senate bill No. 822, entitled "An Act to incor-  
porate the Central mutual life insurance company  
of Pennsylvania."

This bill does not, in my opinion, make sufficient  
provision for the protection of those who may insure  
their lives in it, and contains no requirement for the  
maintenance of a fund equal to the value of its policies.

The rates of taxation fixed by sections 24 and 25 are  
different and inconsistent, and would produce confu-  
sion and uncertainty.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Annex the Farm of the Heirs of John H. Cunningham, Late of White Township, Indiana County, to the Borough of West Indiana, for School Purposes."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 925, entitled "An Act to annex the farm of the heirs of John M. Cunningham, late of White township, Indiana county, to the borough of West Indiana, for school purposes."

The courts have ample powers given them by acts of Assembly of 13th April, 1867 (P. L. 80), and 20th April, 1869 (P. L. 80), to annex land to different townships for school purposes, and their jurisdiction over such matters ought not to be interfered with.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Sloan Manufacturing Company of the City of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 748, entitled "An Act to incorporate the Sloan manufacturing company, of the city of Philadelphia."

Manufacturing privileges can be obtained by this company under the general laws of this Commonwealth.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Saxon Color Manufacturing Company of the City of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 744, entitled "An Act to incorporate the Saxon Color manufacturing company of the city of Philadelphia."

The act of 18th of July, 1863 (P. L. 1864, p. 1102), and the various supplements thereto, furnish ample facilities for the incorporation of this company without any special legislation for that purpose.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Bradford Coal Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 720, entitled "An Act to incorporate the Bradford coal company."

This corporation can obtain all the privileges enjoyed by similar corporations under the general laws of this Commonwealth.

It is true the general laws place a limitation on corporate indebtedness, which this company desires to avoid, this is, in my opinion, but a restriction from which no corporation should be exempt.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the South Side Land and Improvement Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 718, entitled "An Act to incorporate the South Side land and improvement company."

This company is vested with perpetual succession, and the right of receiving, using, holding, granting and conveying property, real, personal and mixed, and of improving the same by the erection of houses and such other works" as it may desire—at no time to hold over one thousand acres of land. No provision is made for the payment of capital stock, and may sell the same "at such price and terms as the company may determine." There is no liability of stockholders.

In my opinion, companies of this character are irresponsible, and prejudicial to public welfare.

J. F. HARTRANFT.

To the Assembly Vetoing "A Supplement to an Act to Incorporate Thiel College of the Evangelical Lutheran Church."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 743, entitled "A supplement to an act to incorporate Thiel College of the Evangelical Lutheran Church."

Although this college was incorporated by the Legis-

lature, the right to amend its charter is granted to the courts by act of Assembly of May 8, 1854 (P. L. 674), and should be exclusively exercised by them.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Pittsburg and South Side Steam Passenger Railway Company."

Executive Chamber,

Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 679, entitled "An Act to incorporate the Pittsburg and South Side Steam Passenger railway company."

This bill attempts to confer perpetual existence on a railway company whose powers to own, hold, improve and dispose of real estate, and to fix charges for the carriage of freight and passengers are without limitation or restriction.

No time is fixed within which the road shall be commenced and completed, and the corporators may thus hold their franchises, and under them engage in different kinds of business, and finally never undertake the building of the road.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Philadelphia Bone and Phosphate Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

[ HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 666, entitled "An Act to incorporate the Philadelphia bone and phosphate company."

The right to manufacture phosphate can be readily obtained under the general laws of this Commonwealth. The other powers desired, are the exclusive right to remove and use all the animal offal of the city of Philadelphia, and to make any interference with this right punishable by fine. Such a privilege ought not to be granted, since it will have the effect, as expressed in the language of the protest passed by the select council of that city against the approval of the bill, "to hinder and interfere with the police and sanitary regulations of the city, to create an unjust monopoly, and to do a great wrong to many citizens of Philadelphia."

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Repeal an Act to Incorporate the Clarion River Navigation Company, Approved the 21st of May, A. D. 1857, and its Supplement to Provide Compensation to the Stockholders."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 674, entitled "An Act to repeal an act to incorporate the Clarion River navigation company, approved the 21st day of May, A. D. 1857, and its supplement, and to provide compensation to the stockholders."

This bill provides for the repeal of the charter of the Clarion River navigation company, and compensation to its stockholders. The Legislature is empowered by the Constitution to alter, revoke or annul charters of incorporation "whenever, in their opinion, it may be injurious to the citizens of the Commonwealth." This repeal is not founded, so far as I can ascertain, upon the constitutional provision above quoted, and its exercise upon any other is unwarranted. It might, perhaps, be inferred, from the provisions of the bill, that the company desired to terminate its corporate existence. If such be its desire, there is ample provision made therefor by the act of April 9, 1856 (P. L. 1856, page 293), conferring power upon the courts to dissolve corporations. There are other provisions of the bill objectionable, which, perhaps, it is unnecessary to enumerate.

It has been objected to this bill that it did not pass the House of Representatives. I caused an examination of the records of the House to be made, from which it appears it did not pass. However, for the reasons given I return the same without my approval.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Loyalhanna Mining and Manufacturing Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen: ·

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 598, entitled "An Act to incorporate the Loyalhanna mining and manufacturing company."

The general laws of this Commonwealth already provide for the incorporation of mining and manufacturing companies, and furnish them with facilities for the construction and operation of railroads in connection therewith.

If the general laws do not fairly meet the business requirements of similar corporations, they ought to be so enlarged that companies of this character may be chartered without the trouble and delay of procuring special legislation, and that a uniform rule on such subjects may prevail throughout the entire Commonwealth.

J. F. HARTRANFT.



To the Assembly Vetoing "An Act Granting Corporate Powers to the Philadelphia Fire Extinguishing Company in Lieu of those Conferred by Former Acts."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 618, entitled "An Act granting corporate powers to the Philadelphia fire extinguisher company in lieu of those conferred by former acts."

This company was organized November 18, 1871, under the provisions of the general law, approved July 18, 1863. It provides for the abandonment of its old organization with the right of hereafter resuming the same. The real object of the present bill appears to be to give it perpetual succession. As it is organized under the general law, I can see no reason why it should not exist thereunder.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Indiana Lumber Company of Indiana County."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 480, entitled "An Act to incorporate the Indiana lumber company of Indiana county."

This company desires to engage in various kinds of

manufacturing, and can be organized for that purpose, under the act of July 18, 1863. (P. L. 1864, p. 1102,) which provides for the incorporation of persons "for the purpose of carrying on any mechanical, mining, quarrying or manufacturing business in this Commonwealth, except that of distilling or manufacturing intoxicating liquors."

J. F. HARTRANFT.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Barre Iron and Coal Company, Approved the 23d Day of May, A. D. 1871, Giving Power to Hold Land and Increase Their Capital Stock."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1421, entitled "A supplement to an act to incorporate the Barre iron and coal company," approved the 23d day of May, A. D. 1871, giving power to hold land and increase their capital stock."

Before this supplement had been passed, the bill to which it relates had become null and void through failure to pay the enrolment tax within the time fixed by law. My objections to legislation of this kind have already been expressed in my message of March 31, 1873, disapproving of House bill No. 653, entitled "An Act extending the time for the payment of the enrolment tax on acts heretofore passed."

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Delaware Valley Fire and Marine Insurance Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1388, entitled "An Act to incorporate the Delaware Valley fire and marine insurance company."

This bill authorizes this company to loan its funds on real or personal security; to receive notes and pay interest thereupon; frees the stockholders from any responsibility after the shares of stock they subscribed for have been fully paid; allows an organization to be made when five dollars have been paid on each share of stock subscribed for, and does not require any further payment to be made by the stockholders; changes the law regulating the payment of taxes to the Commonwealth, and provides another method of criminally punishing its officers who embezzle its funds.

The criminal and taxing laws of this Commonwealth ought, in my opinion, to remain uniform, and legislation which introduces special alterations should be discouraged.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the  
Marine Building Company."

Executive Chamber,

Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1395, entitled "An Act to incorporate the Marine building company."

The capital of the company is fifty thousand dollars, with power to increase the same to two millions of dollars. It is empowered to purchase and build any kind of vessels, and hold lands and personal property necessary for a general freighting business. There is no time fixed for the payment of its capital stock, or any part thereof, and no individual liability of stockholders.

Protection to the public demands that corporations created for the "conducting of a general freighting business," as this seeks to be, should be carefully guarded and those dealing with it protected. This bill does not, in my opinion, properly protect the public.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the  
Eureka Printing House Company of the City of  
Philadelphia."

Executive Chamber,

Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1393, entitled "An Act to incorporate the Eureka printing house company of Philadelphia."

This bill empowers the company to hold and manage such real estate as it may purchase. No limitation as to amount. For which reasons I return the same without my approval.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Eastern Mutual Life Insurance and Trust Company of Pennsylvania."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1378, entitled "An Act to incorporate the Eastern mutual life insurance and trust company of Pennsylvania."

This company desires the right to make any insurance upon life or health, to execute any trust, and to invest its capital in buying and selling negotiable paper, or any kind of security its directors may select.

The interests of the public and the general laws of this Commonwealth require that companies of this kind should not engage in a variety of enterprises and exercise powers so unlike and dissimilar.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act Regulating the Taking of Trout in the Several Streams of Cumberland County."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1529, entitled "An Act regulating the taking of trout in the several streams of Cumberland county."

This bill is a duplicate of one returned without my approval, and is open to the objections embodied in the message which accompanied it.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Provide for the Opening of Streets in the Twenty-second Ward of the City of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1181, entitled "An Act to provide for the opening of streets in the Twenty-second ward of the city of Philadelphia."

This bill authorizes an unusual and irregular method of choosing viewers to open the streets of this ward, fails to provide that they shall possess proper qualifications of residence, property and character, and unwisely departs and differs from the requirements established by the general laws of Philadelphia upon this subject.

J. F. HARTRANFT.

To the Assembly Vetoing "A Supplement to an Act to Incorporate the Philadelphia Car Manufacturing Company, Approved April 9, 1872, Giving Power to Make and Dispose of Locomotives."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1618, entitled "A supplement to an act to incorporate the Philadelphia car manufacturing company, approved April 9, 1872, giving power to make and dispose of locomotives."

Before this supplement had been passed the bill to which it relates had become null and void, through failure to pay the enrolment tax within the time fixed by law.

My objections to legislation of this kind have already been expressed in my message of March 31, 1873, disapproving of House bill No. 653, entitled "An Act extending the time for the payment of the enrolment tax on acts heretofore passed."

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Authorize the Appointment of Auctioneers for the City of Reading, County of Berks."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 240, entitled "An Act authorizing the appointment of auctioneers for the city of Reading, county of Berks."

On the 20th day of June, 1873, I approved an act "to regulate the commission or license fee to be paid by the auctioneers" of this State.

The purpose of this law was to secure uniformity on this subject throughout the Commonwealth, and to remove much of the confusion occasioned by local laws, which varied with each county. The approval of this bill will assist in defeating this purpose, and the changes it introduces will not, in my opinion, be improvements upon the general law .

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Military College of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1390, entitled "An Act to incorporate the Military College of Philadelphia."

The purpose of this bill is not clearly expressed in its title. It is not merely to charter a military college, but to incorporate an institution which "shall have power to teach all the branches of learning necessary for the thorough theoretical and practical education of persons for the various duties of occupations and employments of professional, military, nautical, or business life, and to impart instruction in such branches of literary and scientific knowledge as may be deemed expedient.

The power to confer diplomas of any kind is virtually unrestricted through the omission to define the conditions on which they shall be granted.

Franchises so extravagant as these, are not needed for a military college, and if they are intended for other objects, they ought to be accurately defined and care-



cully guarded to protect the community against the injury and reproach of their abuse.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Monongahela Improvement Company of Pennsylvania."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 471, entitled "An Act to incorporate the Monongahela improvement company of Pennsylvania."

This company asks the following privileges: Perpetual succession; unlimited power to buy and dispose of real estate; to purchase, sell and invest in notes and securities, and indorse bonds and guarantee their payment; to receive and hold in trust any estate or property, including notes and obligations; and to build and erect all kinds of structures. The capital required to be paid in before the company can engage in any or all these enterprises is only \$3,000, and there is no personal liability on the part of any of the stockholders to their creditors.

The people are entitled to greater protection than is here afforded that such an extravagant grant of franchises will be prudently used.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Repeal, as to the County of Mifflin, the Second Proviso of the First Section of an Act, Entitled 'An Act Relative to Landlords and Tenants,' Approved the 14th Day of December, A. D. 1863."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1265, entitled "An Act to repeal, as to the county of Mifflin, the second proviso of the first section of an act, entitled 'An Act relative to landlords and tenants,' approved the 14th day of December, A. D. 1863."

The proviso this bill proposes to repeal, so far as the county of Mifflin is concerned, prevents a tenant's appeal from being a supercedeas of a warrant of possession after judgment by a justice of the peace, giving the landlord possession of the demised premises when notice to surrender has been given to the tenant three months before the expiration of his lease.

This proviso seems to be just and proper, and no reason is shown why owners of properties leased in Mifflin county should receive less protection than is now extended to lessors in other counties of the Commonwealth.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Coudersport and Port Allegheny Railway Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1790, entitled "An Act to incorporate the Coudersport and Port Allegheny railway company.

By the provisions of this bill this company may hold any number of acres of land and same use, sell or otherwise dispose of from time to time, at pleasure.

It has ever been the policy of this Commonwealth to limit the quantity of land corporations might hold. There is no limitation in this bill, and I therefore return the same without my approval.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Washington Bank of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1283, entitled "An Act to incorporate the Washington Bank of Philadelphia." The capital of this bank is fixed at one hundred thousand dollars, with power to increase the same to one million dollars. When two thousand five hundred dollars of its capital stock has been paid in it may organize and commence business, and is empowered to hold in trust, or as collateral security for loans, &c.,

“estate, real, personal or mixed.” There is no time fixed for the payment of the balance of its capital stock and power is given to the directors to dispose of the same to stockholders “at such price as the board of directors may name,” and “to dispose of such shares of new stock in such manner as they may deem best,” if not taken by the old stockholders.

On the 3d of March last, in returning to the Senate a bill, entitled “An Act to incorporate the Mifflinburg Bank,” I expressed my views as follows: “Sound banking as well as protection to the community in which it is located, and with which, doing business, demand a proper definite amount of capital to be paid in before commencing business, and the balance within a reasonable time thereafter, not to exceed one year, and the same as to any increase of capital stock. The bank incorporated by this bill has all the powers conferred upon saving banks, and perhaps in its business operations, would invite and receive a large amount of deposits, often the savings of persons of limited knowledge and means; and it certainly is the duty of the Commonwealth creating these institutions, and thereby conferring upon them a credit which otherwise they would not enjoy, to guard them with proper limitations and restrictions for the security of depositors. It is a duty she owes to herself, and especially to those who may, perhaps, be led thereby to entrust to their keeping their hard-earned savings. One way of so doing is to require their capital stock to be paid in money—a part when they go into operation, and the balance within a reasonable time thereafter. Those upon whom the privilege and profits are conferred, should be required to incur risk, and not the depositors to incur it all.”

“Again, I object to the provision authorizing the stock to be disposed of ‘at such price as the directors may name’—it should be at not less than its par value.

Stock issued by a bank should represent capital paid in, and in amount what it purports to represent."

The views then expressed have been confirmed by the experience of the past year, and as the provisions of this bill conflict therewith, and in my judgment are not such as sound banking and proper protection to the community demands, I return the same without my approval.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Authorize the Borough of Downingtown to Purchase Water Works, and to Borrow Money to Pay for the Same."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1988, entitled "An Act to authorize the borough of Downingtown to purchase water works, and to borrow money to pay for the same."

I do this in compliance with a resolution of the bur-  
gess and town council of the borough of Downingtown,  
passed April 14, 1873, and at the desire of the citizens  
of said borough expressed by petitions numerously  
signed.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Authorize Isaac W. Yeakel to Sell Certain Real Estate."

Executive Chamber,  
Harrisburg, January 6, 1874.

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1137, entitled "An Act to authorize Isaac W. Yeakel to sell certain real estate."

Under the provisions of this bill the real estate referred to might be sold privately, without notice, and without any security being given for the proper application of the proceeds of the sale.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Towanda Trading Company for Mercantile Purposes, in the Borough of Towanda, Bradford County, Pennsylvania."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1248, entitled "An Act to incorporate the Towanda trading company for mercantile purposes, in the borough of Towanda, Bradford county, Pennsylvania."

The general law of 14th of April, 1868, (P. L. 100,) authorizes the incorporation of trading companies, and substantially grants the privileges asked for in this bill.

J. F. HARTRANFT.

To the Assembly Vetoing "A Supplement to an Act to Authorize the Borough of Blairsville to Erect Water Works and Supply the Said Borough with Water, Approved April 3, A. D. 1872, Authorizing an Increase of Bonds."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1240, entitled "A supplement to an act to authorize the borough of Blairsville to erect water works, and supply the said borough with water, approved April 3, A. D. 1872, authorizing an increase of bonds."

This borough desires to issue bonds which shall be exempt from taxation. A proper consideration of the revenues of the Commonwealth, and a due regard for other boroughs whose bonds do not enjoy such an exemption should, in my opinion, prevent this legislation.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Incorporate the Schaeffer Run Lumber Company."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1041, entitled "An Act to incorporate the Schaeffer Run lumber company."

The general laws of the 7th of April, 1849, (P. L. 563,) and the 18th of July 1863, (P. L. 1864, p. 1102,) and the

various supplements, furnish ample facilities for the incorporation of lumber companies, and makes this legislation unnecessary.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act to Incorporate the Cameron Building, Loan and Saving Association of Philadelphia."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1226, entitled "An Act to incorporate the Cameron building, loan and saving association of Philadelphia."

The courts already possess the power to grant charters of incorporation to building associations under the the act of Assembly of April 12, 1859, (P. L. 544.) and the various supplements. If the existing law on this subject is imperfect, it ought to be so amended that different laws should not be made for similar associations.

J. F. HARTRANFT.



To the Assembly Vetoing "An Act to Incorporate the  
Marine Bank."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1207, entitled "An Act to incorporate the Marine Bank."

The capital of this bank is fixed at one hundred thousand dollars, with power to increase the same to one million dollars. Upon the payment of fifty thousand dollars organization may be made and business commenced. It is empowered "to own and hold real estate, and improve and dispose of the same at pleasure." There is no time fixed for the payment of the balance of its capital stock; and power is given to the directors to dispose of the same to stockholders "at such price as the board of directors may name," and "to dispose of such shares of new stock in such manner as they may deem best," if not taken by the old stockholders.

On the third of March last, in returning to the Senate a bill, entitled "An Act to incorporate the Mifflinburg Bank," I expressed my views as follows: "Sound banking, as well as protection to the community in which it is located, and with which doing business, demand a proper definite amount of capital to be paid in before commencing business, and the balance within a reasonable time thereafter, not to exceed one year, and the same as to any increase of capital stock. The bank incorporated by this bill has all the powers conferred upon savings banks, and perhaps in its business operations would invite and receive large amount of deposits, often the savings of persons of limited knowledge and means, it certainly is the duty of the Commonwealth creating these institutions, and thereby conferring upon them a credit which otherwise they

would not enjoy, to guard them with proper limitations and restrictions for the security of depositors. It is a duty which she owes to herself, and especially to those who may, perhaps, be led thereby to entrust to their keeping their hard earned savings. One way of so doing is to require their capital stock to be paid in money, a part when they go into operation and the balance within a reasonable time thereafter. Those upon whom the privilege and profits are conferred should be required to incur some risk, and not the depositors to incur it all."

The views then expressed have been confirmed by the experience of the past year, and as the provisions of this bill conflict therewith, and in my judgment, are not such as sound banking and proper protection to the community demand, I return the same without my approval.

J. F. HARTRANFT.

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To the Assembly Vetoing "A Supplement to an Act to Incorporate the Butchers' and Drovers' Bank, to be Located in Philadelphia, Approved the 27th Day of April, A. D. 1870."

Executive Chamber,  
Harrisburg, January 6, 1874.

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1204, entitled "A supplement to an act to incorporate the Butchers' and Drovers' Bank, to be located in Philadelphia, approved the 27th day of April, A. D. 1870."

This supplement directs a change of corporate name, which the courts have power to make, and authorizes

the bank to purchase and sell any real, personal or trust estate without limitation; to buy and dispose of notes, bonds and other obligations, at any rate of discount; to become the guardian of trust funds; to execute trusts, and "to insure the fidelity of persons holding places of responsibility and of trust." It creates a bank with insurance powers—and these of a most dangerous character, as the present times demonstrate—"to insure the fidelity of persons holding places of responsibility and of trust." These powers ought not to be combined, and are such as no bank ought, in my opinion, to possess. They involve the company in enterprises at variance with those it ought to pursue, divert its funds from legitimate investments, and lessen the security its depositors are entitled to receive.

J. F. HARTRANFT.

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To the Senate Nominating Trustees of the State Hospital for the Insane at Danville."

Executive Chamber,  
Harrisburg, January 13, 1874.

Gentlemen:

**I**N ACCORDANCE WITH THE REQUIREMENTS of an act of the General Assembly, approved the 27th day of March, A. D. 1873, entitled "An Act to organize the State Hospital for the insane, at Danville, and to provide for the government and management of the same."

I did, on the 30th day of October, A. D. 1873, appoint the following named persons to be trustees of the said institution, for the terms set opposite their respective names, subject to the advice and consent of the Senate, viz:

H. A. M. Grier, of the county of Luzerne, for the term of one year.

B. H. Detwiler, of the county of Lycoming, for the term of one year.

Edward Overton, of the county of Bradford, for the term of one year.

Benjamin H. Throop, of the county of Luzerne, for the term of two years.

Charles S. Minor, of the county of Wayne, for the term of two years.

John S. Mann, of the county of Potter, for the term of two years.

Thomas Beaver, of the county of Montour, for the term of three years.

Andrew F. Russell, of the county of Montour, for the term of three years.

And Thomas Chalfant, of the county of Montour, for the term of three years; and in compliance with the provisions of said act, do hereby submit said appointments for the consideration of the Senate.

J. F. HARTRANFT.

To the Senate Nominating John McCurdy Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, January 13, 1874.

Gentlemen:

**I**N ACCORDANCE WITH THE PROVISIONS OF an act of the General Assembly, entitled "An Act in relation to public printing," approved the 9th day of April, A. D., 1856, I did, on the 14th day of July, A. D. 1873, appoint John M'Curdy, of the county of Cumberland, to be Superintendent of public printing

for the term of one year, to compute from the 15th day of July, A. D. 1873, and in compliance with the provisions of said act, do hereby submit said appointment for the consideration of the Senate.

J. F. HARTRANFT.

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To the Senate Nominating Commissioners of the  
Board of Public Charities.

Executive Chamber,  
Harrisburg, January 13, 1874.

Gentlemen:

**I**N ACCORDANCE WITH THE PROVISIONS OF an act of the General Assembly, entitled "An Act to create a Board of Public Charities," approved April 24, 1869, I have appointed the following named persons to be commissioners of the said Board of Public Charities, subject to the advice and consent of the Senate, viz:

G. Dawson Coleman, of the county of Lebanon, appointed on the 12th day of April, 1873, for the term of five years, to compute from December 1, 1872.

George Bullock, of the county of Montgomery, appointed May 7, 1873, for the term of five years to compute from December 1, 1872.

Amos C. Noyes, of the county of Clinton, appointed May 7, 1873, for the term of four years, to compute from December 1, 1872.

Wilmer Worthington, of the county of Chester, appointed May 7, 1873, until December 1, 1874.

Francis Wells, of the city of Philadelphia, appointed September 29, 1873, until December 1, 1874, in room of Wilmer Worthington, deceased.

And in compliance with the provisions of said act do hereby submit said appointments for the consideration of the Senate.

J. F. HARTRANFT.

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To the Senate Nominating Notaries Public.

Executive Chamber,  
Harrisburg, January 14, 1874.

Gentlemen:

**I**N COMPLIANCE WITH THE PROVISIONS OF the new Constitution, I hereby nominate for the advice and consent of two-thirds of all the members of the Senate, James F. Milliken, of the county of Blair, to be a notary public, for the term of three years, to reside in the borough of Hollidaysburg, and S. S. Benedict, of the county of Luzerne, to be a notary public, for the term of three years, to reside in the city of Carbondale.

J. F. HARTRANFT.

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To the Assembly Transmitting a Document Concerning the Centennial at Philadelphia.

Executive Chamber,  
Harrisburg, January 15, 1874.

Gentlemen:

**M**Y VIEWS UPON THE IMPORTANT SUBJECT of the accompanying communication, have been fully expressed in my annual message to your Honorable bodies at the opening of the present session.

I desire, however, to call your attention to the urgent necessity of prompt action on the part of the Legislature, to secure the objects named in this communication, so that the great work of preparing for the Centennial may proceed without delay, and the proper buildings be erected and made ready for the reception of the arts, products and manufactures of the world, in 1876.

J. F. HARTRANFT.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 22, 1874.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, for the term of three years: Daniel W. Gross, Harrisburg, Pa.; Dr. Traill Green, Easton, Pa.; Dr. John L. Atlee, Lancaster, Pa.

J. F. HARTRANFT.

To the Senate Nominating William Irwin an Associate Judge of the Court of Common Pleas for Indiana County.

Executive Chamber,

Harrisburg, February 10, 1874.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William Irwin, of Indiana, Pa., to be associate judge for the county of Indiana, to fill vacancy caused by the resignation of James S. Nesbit.

J. F. HARTRANFT.

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To the Senate Nominating a Trustee of the State Lunatic Hospital.

Executive Chamber,

Harrisburg, March 19, 1874.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advise and consent of the Senate, Henry T. Darlington, of Doylestown, Pa., to be a trustee of the Pennsylvania State Lunatic Hospital, for the unexpired term of Charles S. Minor, resigned.

J. F. HARTRANFT.



To the Assembly Approving an Act Designating the Judicial Districts of the Commonwealth and Providing for the Appointment and Election of Judges Therein, Etc., with Criticisms upon the Act.

Executive Chamber,  
Harrisburg, April 9, 1874.

Gentlemen:

I HAVE APPROVED AND SIGNED THE FOLLOWING act of the General Assembly, viz: "An Act designating the judicial districts of the Commonwealth, and providing for the appointment and election of judges therein, for issuing to additional judges learned in the law, commissions as president judges, and manner of fixing the terms of courts therein."

By section 13 of the Schedule to the present Constitution, it is made the duty of the present General Assembly "to designate the several judicial districts as required by the Constitution," and section 5 of article 5 of the Constitution provides that "whenever any county shall contain forty thousand inhabitants, it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide."

Three of the single districts composed by the bill, viz: The Seventeenth district, the Twenty-first district and the Twenty-sixth district, are created out of counties each of which contain less than forty thousand inhabitants, and an additional law judge is provided by section two of the act for each of said districts.

The power of the General Assembly under the section of the Constitution referred to, to create "single

districts" with additional law judges, is subject to grave doubts in my opinion. I have carefully considered the question, and would have preferred the districts had been so formed as to avoid the necessity of additional law judges, and the Constitutional question thereby raised avoided. I recognized there exist very strong and cogent reasons against the construction that there is no power to provide for additional law judges in single districts, in view of the fact that a judicial appointment can be made only once in ten years, and that by increase of population, business and infirmities of judges, unless the power can be exercised, it might, and probably would, in some districts, seriously delay if not prove a denial of "remedy by due course of law," guaranteed by the Declaration of Rights to every man, and that it is proper to so interpret the Constitution as to maintain these rights inviolate.

As the act is one imperatively required by the Constitution to be passed by the present Legislature, and the withholding of my approval thereof would delay the carrying out of a very important provision of the Constitution intended to be put in immediate operation, and as the objection suggested was raised in one of your honorable bodies upon the passage of the act, and by a minimum vote, or nearly so, after full and able discussion it was held that the power to create "single districts," with additional law judges, existed under the Constitution. I feel it my duty not to withhold my approval of the act, and also to make this communication of my reasons for the approval thereof.

J. F. HARTRANFT.

To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
Harrisburg, April 9, 1874.

Gentlemen:

**I**N CONFORMITY WITH AN ACT OF THE GENERAL Assembly, approved the 9th day of April, 1874, I have the honor hereby to nominate for the advice and consent of the Senate, the following named to be additional law judges of the districts respectively named herein: John H. Orvis, of the Twenty-fifth district, composed of the counties of Centre, Clinton and Clearfield; Robert M. Henderson, of the Twelfth district, composed of the counties of Dauphin and Lebanon; Thomas J. Ingham, of the Twenty-sixth district, composed of the counties of Columbia, Montour, Sullivan and Wyoming; Charles M'Candless, of the Seventeenth district, composed of the counties of Butler and Lawrence.

And the following named to be president judges of the districts respectively named herein: John M. Bromall, of the Thirty-second district, composed of the county of Delaware; William S. Kirkpatrick, of the Third district, composed of the county of Northampton; David Wills, of the Forty-second district, composed of the county of Adams; William Maxwell, of the Thirty-fifth district, composed of the county of Mercer; John V. Painter, of the Twenty-third district, composed of the county of Armstrong.

J. F. HARTRANFT.

To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
Harrisburg, April 13, 1874.

Gentlemen:

**I**N CONFORMITY WITH AN ACT OF THE GENERAL Assembly, approved the 9th day of April, 1874,

I have the honor hereby to nominate for the advice and consent of the Senate, the following named to be additional law judges of the districts respectively named herein. viz: Robert M. Henderson, of the Twelfth district, composed of the counties of Dauphin and Lebanon; Thomas J. Ingham, of the Twenty-sixth district, composed of the counties of Columbia, Montour, Sullivan and Wyoming; Charles M'Candles, of the Seventeenth district, composed of the counties of Butler and Lawrence.

And the following named to be president judges of the districts respectively named herein: John M. Broomal, of the Thirty-second district, composed of the county of Delaware; William S. Kirkpatrick, of the Third district, composed of the county of Northampton; David Wills, of the Forty-second district, composed of the county of Adams; William Maxwell, of the Thirty-fifth district, composed of the county of Mercer; John V. Painter, of the Thirty-third district, composed of the county of Armstrong.

J. F. HARTRANFT.

To the Senate Nominating Certain Judiciary Officers.

Executive Chamber,  
Harrisburg, April 23, 1874.

Gentlemen:

**I**N CONFORMITY WITH AN ACT OF THE GENERAL Assembly, approved the 9th day of April, 1874,

I have the honor hereby to nominate for the advice and consent of the Senate, the following named to be additional law judges of the districts respectively named herein, viz: Robert M. Henderson, of the Twelfth district, composed of the counties of Dauphin and Lebanon; Thomas J. Ingham, of the Twenty-sixth district, composed of the counties of Columbia, Montour, Sullivan and Wyoming, and Charles M'Candless, of the Seventeenth district, composed of the counties of Butler and Lawrence.

And the following named to be president judges of the districts respectively named herein, viz: John M. Broomal, of the Thirty-second district, composed of the county of Delaware; William S. Kirkpatrick, of the Third district, composed of the county of Northampton; David Wills, of the Forty-second district, composed of the county of Adams; William Maxwell, of the Thirty-fifth district, composed of the county of Mercer; John V. Painter, of the Thirty-third district, composed of the county of Armstrong; Henry Hice, of the Thirty-sixth district, composed of the county of Beaver.

J. F. HARTRANFT.

To the Assembly Vetoing "An Act to Provide for Perfecting Conveyances of Real Estate under Sales Made by Executors and Trustees."

Executive Chamber,  
Harrisburg, May 8, 1874.

Gentlemen:

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 7, entitled "An Act to provide for perfecting conveyances of real estate under sales made by executors and trustees."

The purpose of this bill is to enable courts to make deeds for trust property to an executor or trustee, when authority to purchase is given in the will, or instrument creating the trust, and the co-executor, or co-trustee dies without executing the conveyance.

Legislation which in any way assists those holding a fiduciary relation to acquire trust property, is, in my opinion, unwise, unsafe, and contrary to the true policy of all law. The case with which a testator in sudden sickness or mortal pain may be induced to insert in his will a provision which enables those who should manage the estate for the benefit of others to buy it for themselves is well known, and the temptation to use this power to the injury of those whose interests should be protected is so great, that courts have always condemned purchases of trust property by those who stand in a fiduciary relation to it.

In Brightley's Equity Jurisprudence it is said: "A well settled principle in regard to trustees and other persons acting in a fiduciary character for the benefit of others, is, that they cannot become purchasers of the trust property at their own sales, or acquire any interest therein. The interest of a trustee in such case, being generally opposed to that of his cestui que trust, would, were he permitted to consult it and act accordingly, almost necessarily, owing to the weakness and infirmity of human nature, interfere with a faithful dis-

charge of his duty to those for whom he had undertaken to act. And this rule is not founded on his being necessarily guilty of fraud in so doing; it is a rule of public policy, which applies in all cases, whether there be fraud or not, and indeed, its great object is to prevent fraud by taking away the temptation to commit it."

In 4 Binney, (p. 43.) it is held that, "Now, even if the administrators had power to sell, they ought not to have made the sale to one of themselves. \* \* \* \*

\* \* The policy of the law forbids a person to be the purchaser of that which he is appointed to sell. It requires but a small knowledge of the world to be sensible of the wisdom of this rule. The person entrusted with the sale has so perfect a knowledge of the subject, and so great an opportunity of taking advantage, by appointing the time and place of sale, and employing the agents who conduct it, that to permit him to become the purchaser would be placing too much confidence in the infirmity of human nature."

In 2 Wharton, 64, it is decided that "when the trustee himself becomes the purchaser of the trust estate, the cestui que trust may set aside the purchase. \* \*

\* \* \* The ground is, that though in this particular case, there may be the most satisfactory evidence, that the transaction amounts to more than that the general interests of justice require, yet the trustee shall not be permitted to purchase for himself or another; as in several cases, the powers of the court would not be equal to protect it against deception, from the impossibility of knowing the truth in every case. To permit a trustee to bid, would be applying the information acquired by the trust to their own benefit \* \*

\* \* \* \* \* If a trustee can buy in an honest case, he may in a case having that appearance, but which from the infirmity of human testimony, may be grossly otherwise; and yet the power of the court

would not be equal to detect the deception. Human infirmity will rarely permit a man to exert against himself that providence which a vendor ought to exert, in order to sell the estate most advantageously for the cestui que trust, and which a purchaser is at liberty to exert for himself, in order to purchase at a lower price."

Until the interests of buyer and seller are identical, until a man can serve two masters, legislation which assists an executor or trustee to exercise a power, or acquire an interest in trust property adverse and hostile to the interests of his cestui que trust, should be discountenanced and condemned.

J. F. HARTRANFT.

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To the Senate Nominating Winthrop W. Ketcham an  
Additional Law Judge of the Eleventh District.

Executive Chamber,  
Harrisburg, May 11, 1874.

Gentlemen:

**I**N CONFORMITY WITH AN ACT OF THE GENERAL Assembly, approved the 9th day of April, 1874,

I have the honor hereby to nominate, for the advice and consent of the Senate, Winthrop W. Ketcham, to be additional law judge of the Eleventh district, composed of the county of Luzerne.

J. F. HARTRANFT.



Proclamation announcing that the Governor has Filed in the Office of the Secretary of the Commonwealth, with his Objections thereto, Certain Bills Presented to him within Ten Days of the Final Adjournment of the Legislature.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

#### A PROCLAMATION.

I, John F. Hartranft, Governor of the Commonwealth of Pennsylvania have caused this Proclamation to issue, and in compliance with the provisions of Article IV, Section 15, of the Constitution thereof, Do Hereby give notice that I have filed with my objections thereto, in the Office of the Secretary of the Commonwealth the following bills passed by both Houses of the General Assembly, viz:

House Bill No. 45, entitled "An Act to provide for the change of Venue in criminal and civil cases."

Senate Bill No. 52, entitled "An Act relating to livery stable keepers, providing for the fine and punishment of any bailee or bailees for any damages wilfully done to the property of any livery stable keeper or for overdriving while in the custody or possession of such bailee or bailees to whom the same may have been hired and making the same a misdemeanor."

Senate Bill No. 71, entitled "An Act authorizing common carriers, factors and others, to sell goods,



wares, merchandise and other property unclaimed upon which they have a lien."

Senate Bill No. 76, entitled "An Act to authorize the Courts to confirm the title to lands where the conveyances are defective and where the purchase money has been paid."

House Bill No. 124, entitled "An Act providing for the construction of sewers by incorporated boroughs."

Senate Bill No. 128, entitled "An Act relating to the holding of criminal courts in the County of Philadelphia."

Senate Bill No. 150, entitled "An Act to provide for the surrender of the franchises of turnpike or plank-road companies within this Commonwealth over and upon such portions of their roads as may be within the limits of any incorporated city or borough."

House Bill No. 150, entitled "A supplement to an Act, entitled 'An Act to establish the Mechanics High School of Pennsylvania,' approved the fifth day of June, eighteen hundred and seventy-three, authorizing the trustees to expend certain funds to promote mechanical instruction in existing colleges."

House Bill No. 153, entitled "An Act to provide for the terms and return days of the several courts of Common Pleas of Allegheny County."

Senate Bill No. 156, entitled "An Act relating to the jurisdiction of Courts of Common Pleas and the organization of Courts of Common Pleas in the County of Philadelphia."

Senate Bill No. 157, entitled "An Act conferring jurisdiction on the Court of Common Pleas of the twelfth judicial district in cases of mandamus against State Officers."

Senate Bill No. 162, entitled "An Act in relation to mendicant and vagrant children."

Senate Bill No. 163, entitled "An Act to report the charter of the Karthaus Bridge and turnpike company."

House Bill No. 170, entitled "An Act directing the manner in which the Courts of Common Pleas of Allegheny County shall detail one or more of their Judges to hold the Courts of Oyer and Terminer and Quarter Sessions of the Peace of Allegheny County."

Senate Bill No. 177, entitled "An Act to enable banks to consolidate and to increase the capital stock of the banks so consolidated."

Senate Bill No. 178, entitled "An Act to fix the salaries of county officers in counties containing over one hundred and fifty thousand inhabitants."

Senate Bill No. 179, entitled "A supplement to an act, entitled 'An Act relating to counties and townships and county and township Officers,' approved April fifteenth, One thousand eight hundred and thirty-four."

House Bill No. 180, entitled "An Act extending the provisions of An Act, entitled 'A Supplement to an act relating to the lien of mechanics and others upon buildings, approved the sixteenth day of June, Anno Domini One thousand eight hundred and thirty-six, so far as relates to certain Counties,' approved the first day of May, Anno Domini One thousand eight hundred and sixty-one, to all the Counties of the Commonwealth."

Senate Bill No. 185, entitled "Joint Resolution providing for the settlement and payment of certain claims arising under an Act, entitled 'An Act providing for the appointment of an inspector of steam boilers in the Counties of Schuylkill, Northumberland and Columbia by the Governor of the Commonwealth,' approved the ninth day of May, Anno Domini eighteen hundred and seventy-one."

Senate Bill No. 191, entitled "An Act for the relief of the Leibrandt and McDowell Stove Company."

House Bill No. 195, entitled "An Act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of in-

decent or immoral use and of obscene advertisements of patent medicines and articles for producing abortion."

Senate Bill No. 198, entitled "An Act to prevent the defiling of ice upon ponds, streams, rivers, creeks and canals owned or leased for the production of ice."

Senate Bill No. 211, entitled "An Act prescribing the mode of ascertainment and payment of damages resulting from the grading of avenues, streets or alleys, or parts thereof, by any city of the Commonwealth."

Senate Bill No. 225, entitled "An Act to amend an act concerning the sale of railroads, canals, turnpikes, bridges and plank roads, approved the eighth day of April, One thousand eight hundred and sixty-one."

Senate Bill No. 238, entitled "An Act authorizing Notaries Public to appoint deputies in certain cases."

House Bill No. 247, entitled "An Act legalizing and giving effect to agreements of release and compromise between creditors and debtors."

House Bill No. 252, entitled "An Act to grant the consent of the State of Pennsylvania to the acquisition by the United States of certain lands within the State and bordering on the Ohio river for the purpose of erecting thereon dams, abutments, locks, lock houses, offices and other necessary structures for the construction and maintenance of slackwater navigation on the said river and ceding jurisdiction over the same."

Senate Bill No. 257, entitled "An Act to repeal all provisions of the Act of April tenth, One thousand eight hundred and seventy-three, entitled 'An Act for the registration of births, deaths and marriages in the city of Allentown,' relating to marriages."

Senate Bill No. 268, entitled "An Act to punish the sale and traffic in mineral water bottles and other bottles and for the protection of bottles and venders of mineral water and other beverages in this Commonwealth."

House Bill No. 275, entitled "An Act to repeal part of an act to repeal an act to lay out and make a state road in Clearfield County, approved April tenth One thousand eight hundred and seventy-three and to vest control of certain poor and school taxes therein in Huston township."

Senate Bill No. 280, entitled "An Act to authorize Robert Cummins, Joseph Harkness and Rev. J. A. McGill or a majority of them the trustees of the Associate Presbyterian Church and congregation of Reedsville to sell and convey the real estate belonging to said church and congregation, situate in Reedsville, Brown township, Mifflin County."

Senate Bill No. 291, entitled "An Act authorizing the council of the boroughs of the Commonwealth to regulate the collection of borough tax therein."

Senate Bill No. 321, entitled "An Act to repeal the second section of an act, entitled 'A Supplement to an act, entitled 'An Act to alter the road laws in the township of Lenox,' approved the twentieth day of February, One thousand eight hundred and fifty-four,' so far as relates to the township of Silver Lake in the County of Susquehanna being first duly advertised according to law."

House Bill No. 325, entitled "An Act to enable members of corporations and stockholders to vote by proxy and to regulate the number of their directors and change the corporate name."

Senate Bill No. 343, entitled "An Act to repeal a joint Resolution for the settlement of certain claims arising under contracts concerning the Soldiers' Orphan School at Titusville, approved April ten, One thousand eight hundred and seventy-three."

House Bill No. 366, entitled "An Act to re-imburse W. G. Taylor, Superintendent of the Soldiers' Orphans' Schools at Phillipsburg, Beaver County, and A. H. Waters, Superintendent of the Soldiers' Orphans' Schools at Uniontown, Fayette County, Pennsylvania,

for clothing, transportation and funeral expenses of soldiers' orphans."

House Bill No. 389, entitled "An Act relating to gas companies, regulating the sale, consumption and inspection of gas."

House Bill No. 402, entitled "An Act to repeal An Act, entitled 'An Act to establish criminal courts for the Counties of Lebanon, Dauphin and Schuylkill,' approved the eighteenth day of April in the year of our Lord One thousand eight hundred and sixty-seven, and the Supplement thereto, approved the twenty-first day of April, in the year of our Lord One thousand eight hundred and seventy."

House Bill No. 410, entitled "An Act to authorize the prothonotaries and clerks of the several courts to take recognizances, bail and approve bonds."

Senate Bill No. 223, entitled "An Act for the relief of Amy E. Maxwell, widow of James E. Maxwell, deceased."

Senate Bill No. 233, entitled "An Act to repeal An Act, entitled 'An Act for the protection of sheep and taxing of dogs in the township of Hamilton, in the County of Monroe,' approved the second day of April, Anno Domini One thousand eight hundred and seventy."

Given under my hand and the great seal of the State at Harrisburg, this thirteenth day of June, in the year of our Lord One thousand eight hundred and seventy-four, and of the Commonwealth the ninety-eighth.

By the Governor,

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving.—1874.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

wealth.

THANKSGIVING PROCLAMATION.



A Proclamation of the President of the United States designates Thursday the Twenty-sixth day of November as a day of Thanksgiving, and I recommend that the people of Pennsylvania reverently dedicate that day to making acknowledgment to Almighty God for the blessings vouchsafed to us during the past year.

Given under my Hand and the Great Seal of the State at Harrisburg, this Seventh day of November in the year of our Lord One thousand eight hundred and Seventy-four and of the Commonwealth the Ninety-ninth.

J. F. HARTRANFT.

By the Governor,

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Election of Warren J. Woodward  
and Edward M. Paxson as Judges of the Supreme  
Court.

Pennsylvania, ss.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. JOHN F. HARTRANFT,  
Governor of the said Common-  
wealth.

A PROCLAMATION.

Whereas, An Ret of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of judges of the several courts of this Commonwealth, and to regulate certain judicial districts," approved the fifteenth day of April, A. D. one thousand eight hundred and fifty-one, provides that the Secretary of the Commonwealth shall cause the returns of election made to him to be opened in the presence of the Governor and such other citizens of this Commonwealth as choose to be present, and the votes cast for Judges of the Supreme Court to be accurately computed, and that the Governor shall thereupon issue his Proclamation, declaring so many of the persons voted for for Judges of the Supreme Court as shall be required to be elected, and who shall have received the greatest number of votes, to be duly elected:

And Whereas, The Secretary of the Commonwealth did this day cause the returns made to him of the late general election for judges of the Supreme Court to be opened in the presence of me and other citizens of this Commonwealth, and the votes cast to be accurately computed, whereupon it appeared that Warren J.





Woodward and Edward M. Paxson received the greatest number of votes of the persons voted for to fill the offices of Judges of the Supreme Court.

Now Therefore, In obedience to the requirements of the above recited Act of the General Assembly, I, John F. Hartranft, Governor aforesaid, do hereby issue this my Proclamation, publishing and declaring that of the persons voted for for Judges of the Supreme Court of this Commonwealth, at the late general election held on the third day of November past, Warren J. Woodward and Edward M. Paxson having received the greatest number of votes have been duly elected Judges of the Supreme Court of this Commonwealth.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Eighteenth day of November, in the year of our Lord one thousand eight hundred and seventy-four, and of the Commonwealth the ninety-ninth.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress. 1874.

Pennsylvania, ss.



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

## A PROCLAMATION.



Whereas, In and by An Act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Governor, on the receipt of the returns of the election of members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare, by Proclamation, the names of the persons returned as elected in the respective districts;

And Whereas, The returns of the general election held on Tuesday, the third day of November last past, for representatives of the people of this State in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next, have been received in the Office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act of the General Assembly, whereby it appears that in the First district, composed of the First, Second, Seventh and Twenty-sixth wards of the city of Philadelphia, Chapman Freeman has been duly elected; in the Second district, composed of the Eighth, Ninth, Tenth, Thirteenth, Fourteenth and Twentieth wards of the city of Philadelphia, and that part of the Seventeenth ward of said city lying west of Second street, Charles O'Neill has been duly elected; in the Third district, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth and Sixteenth wards of the city of Philadelphia, Samuel J. Randall has been duly elected; in the Fourth district, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth wards of the city of Philadelphia, Wm. D. Kelley has been duly elected; in the Fifth district, composed of

the Eighteenth, Nineteenth, Twenty-second, Twenty-third and Twenty-fifth wards of the city of Philadelphia, and that part of the Seventeenth ward of said city lying east of Second street, John Robbins has been duly elected; in the Sixth district, composed of the counties of Chester and Delaware, Washington Townsend has been duly elected; in the Seventh district, composed of the county of Montgomery and that portion of Bucks county not included in the Tenth district, Alan Wood, Jr., has been duly elected; in the Eighth district, composed of the county of Berks, Hiester Clymer has been duly elected; in the Ninth district, composed of the county of Lancaster, Abraham Herr Smith has been duly elected; in the Tenth district, composed of the counties of Northampton and Lehigh, and the townships of Durham, Milford, Springfield, Richland, Rockhill, Haycock, Nockamixon and Tinicum, and the borough of Quakertown, in the county of Bucks, William Mutchler has been duly elected; in the Eleventh district, composed of the counties of Columbia, Montour, Carbon, Monroe, Pike, and the townships of Nescopeck, Black Creek, Sugar Loaf, Butler, Hazel, Foster, Bear Creek, Bucks, Roaring Brook, Salem, Hollenbach, Huntingdon, Fairmount, Spring Brook, and that part of the city of Scranton, south of Roaring Brook creek and east of Lackawanna river, and the boroughs of Dimmore, New Columbus, Goldsboro, White Haven, Jeddo and Hazleton, in the county of Luzerne, Francis D. Collins has been duly elected; in the Twelfth district, composed of all that part of Luzerne county not included in the Eleventh district, Winthrop W. Ketcham has been duly elected; in the Thirteenth district, composed of the county of Schuylkill, James B. Reilly has been duly elected; in the Fourteenth district, composed of the counties of Dauphin, Northumberland and Lebanon, John B. Packer has been duly elected; in the Fifteenth district, composed

of the counties of Bradford, Susquehanna, Wayne and Wyoming, Joseph Powell has been duly elected; in the Sixteenth district, composed of the counties of Tioga, Potter, McKean, Cameron, Lycoming and Sullivan, Sobieski Ross has been duly elected; in the Seventeenth district, composed of the counties of Cambria, Bedford, Blair and Somerset, John Reilly has been duly elected; in the Eighteenth district, composed of the counties of Franklin, Fulton, Juniata, Huntingdon, Snyder and Perry, William S. Stenger has been duly elected; in the Nineteenth district, composed of the counties of York, Adams and Cumberland, Levi Maish has been duly elected; in the Twentieth district, composed of the counties of Union, Clinton, Clearfield, Elk, Mifflin and Centre, Levi A. Mackey has been duly elected; in the Twenty-first district, composed of the counties of Westmoreland, Greene and Fayette, Jacob Turney has been duly elected; in the Twenty-second district, composed of the city of Pittsburg, and the townships of Chartiers, Union, Scott, Stowe, Robinson, Upper and Lower St. Clair, Baldwin, Wilkins, Penn Snowden, Mifflin and Jefferson, and the boroughs of Mansfield, Chartiers, Braddock and West Elizabeth, in the county of Allegheny, James H. Hopkins has been duly elected; in the Twenty-third district, composed of all that portion of Allegheny county not included in the Twenty-second district, Alexander G. Cochran has been duly elected; in the Twenty-fourth district, composed of the counties of Washington, Beaver and Lawrence, John W. Wallace has been duly elected; in the Twenty-fifth district, composed of the counties of Clarion, Armstrong, Indiana, Forest and Jefferson, George A. Jenks has been duly elected; in the Twenty-sixth district, composed of the counties of Butler, Mercer and Crawford, James Sheakley has been duly elected; in the Twenty-seventh district, composed of the counties of Erie, Warren and Venango, A. G. Egbert has been duly elected.

Now Therefore, I, John F. Hartranft, Governor as aforesaid, have issued this my Proclamation, hereby publishing and declaring that Chapman Freeman, Charles O'Neill, Samuel J. Randall, William D. Kelley, John Robbins, Washington Townsend, Alan Wood, Jr., Hiester Clymer, Abraham Herr Smith, William Mutchler, Francis D. Collins, Winthrop W. Ketcham, James B. Reilly, John B. Packer, Joseph Powell, Sobieski Ross, John Reilly, William S. Stenger, Levi Maish, Levi A. Mackey, Jacob Turney, James H. Hopkins, Alexander G. Cochran, John W. Wallace, George A. Jenks, James Sheakley and A. G. Egbert, have been returned as duly elected in the several districts before mentioned, as representatives of the people of this State in the House of Representatives of the Congress of the United States, for the term of two years, to commence from and after the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twelfth day of December, in the year of our Lord one thousand eight hundred and seventy-four and of the Commonwealth the ninety-ninth.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Cancellation of One Million Two Hundred and Thirty Thousand One Hundred and Eighty Six Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas, By the Third Section of the Act of the General Assembly of this Commonwealth, approved the Twenty-second day of April, Anno Domini One thousand eight hundred and fifty-eight, entitled "An Act to establish a Sinking Fund for the payment of the Public debt and the Supplement thereto approved the Tenth day of April, Anno Domini One thousand eight hundred and Sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited Act of the General Assembly, to Report annually and Certify to the Governor, the amount received under the said Act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall direct the Certificates representing the same to be cancelled and on such cancellation to issue his Proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And Whereas, M. S. Quay, Harrison Allen and



Robert W. Mackey, Esquires, the Commissioners of the Sinking Fund in obedience to the requirements of law, Report and Certify to me that the amount of the debt of the Commonwealth of Pennsylvania redeemed and held by them, from the First day of December, one thousand eight hundred and Seventy-three, to and including the Thirtieth day of November, Anno Domini One thousand eight hundred and Seventy-four is One Million two hundred and thirty thousand one hundred and eighty-six dollars and fifty-seven cents, made up as follows, viz:

Five per cent. bonds, . . . . .	\$9,000 00
Six per cent. bonds, . . . . .	1,221,113 90
Relief notes Act of May 4th, 1841, . . . .	53 00
Domestic creditor certificate, . . . . .	19 67
	<hr/>
Total amount redeemed, . . . . .	\$1,230,186 57
	<hr/> <hr/>

Now Therefore as required by the Third Section of the Act of the General Assembly first above mentioned, I, John F. Hartranft, Governor as aforesaid Do Hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of One Million two hundred and thirty thousand one hundred and eighty-six dollars and fifty-seven cents of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twelfth day of December, in the year of our Lord One thousand eight hundred and Seventy-four and of the Commonwealth the Ninety-ninth.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Election of John M. Thompson  
as a Representative of Pennsylvania in the United  
States Congress.

Pennsylvania, ss.



wealth.

**I**N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. JOHN F. HARTRANFT,  
Governor of the said Common-

A PROCLAMATION.

Whereas, In and by the forty-second section of An Act of the General Assembly of this Commonwealth, approved the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth," it is provided that "When the returns of any special election for a member of the House of Representatives of the United States shall be received by the Secretary of the Commonwealth, the Governor shall declare by proclamation the name of the person elected."

And Whereas, The returns of a special election held in the late Twenty-third Congressional District of this Commonwealth, composed of that part of Allegheny county north of the Ohio and Allegheny rivers, and Butler and Armstrong counties, on Tuesday the twenty-second day of December last past, under the authority of writs issued in conformity with provisions of the Constitution of the United States, and the above recited Act of the General Assembly, have been received by the Secretary of the Commonwealth, whereby it appears that John M. Thompson was duly elected to serve as a representative of the people of this State in the House of Representatives of the Forty-third





Congress of the United States to fill the vacancy occasioned by the resignation of Hon. Ebenezer McJunkin.

Now Therefore, I, John F. Hartranft, Governor as aforesaid, have issued this my Proclamation, hereby publishing and declaring that the said John M. Thompson was duly elected in the district before mentioned, a representative of the people of this State in the House of Representatives of the said Forty-third Congress of the United States, in room of Hon. Ebenezer McJunkin, resigned.

Given under my Hand and the Great Seal of the State, at Harrisburg, this second day of January, in the year of our Lord one thousand eight hundred and seventy-five, and of the Commonwealth the ninety-ninth.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

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Annual Message to the Assembly.—1875.

Executive Chamber,

Harrisburg, Pa., January 5, 1875.

Gentlemen of the Senate and House of Representatives:

**T**HE WONDERFUL POWERS OF RECUPERATION heretofore exhibited by the American people in recovering from panic and misfortune inspired the hope, twelve months ago, that the dawn of the present year would discover the country released from the distrust and affects of the financial panic of 1873, and inaugurate a period of confidence and prosperity. That this hope has not been realized, is painfully mani-

fest, when throughout the length and breadth of our great State are found furnaces chilled, factories still, mining shafts in process of decay, and myriads of unemployed men, with no resources to provide for themselves and families against the rigors of the winter that now holds all nature in its cold embrace. We must not be unmindful that distressing conjunctures, like the present, often brood a spirit of restlessness and discontent that ascribes to the existing government the ills that afflict society. It is therefore expected, in the presence of our depressed trade and languishing industries, that the efforts of those who are serving the public shall be directed to the practice of the most rigid economy. Let us confirm these expectations by unusual diligence in the dispatch of the public business, a constant study of the general welfare, and the application of every means in our power to reduce the burdens of the people, and with this view I recommend the closest scrutiny of every item of the appropriation bill. In this season of distress no outlay of money should be made except what is absolutely required for the ordinary expenses of the government, and to make provision for the maintenance of those reformatory and charitable institutions with whose management the State is charged. Where misery would be entailed upon any human being or the interests of science suffer by withholding aid to other educational or charitable objects, humanity and a sense of public duty will approve of some assistance, but unless for those or equally imperative reasons it is my solemn conviction that no appropriation should be made for any institution other than those for which the people of the whole State are responsible.

#### FINANCE.

The brief statement of the finances herewith submitted is made to embrace the details of most inter-

est, and I invite your attention thereto with a view to a more intelligent apprehension of the discussion that follows:

## DEBT REDEEMED.

During fiscal year ending November 30, 1874:

Six per cent. loan, .....	\$1,218,050 00
Five per cent. loan, .....	9,000 00
Chambersburg certificates, .....	2,063 90
Relief notes, .....	53 00
Domestic creditors' certificates, .....	19 67
	<hr/>
Total, .....	\$1,230,186 57
	<hr/> <hr/>

## RECEIPTS.

During fiscal year ending November 30, 1874:

Balance in Treasury November 30, 1873,	\$1,825,151 24
Receipts, .....	5,871,968 27
	<hr/>
Total, .....	\$7,697,119 51

## DISBURSEMENTS.

During fiscal year ending November  
30, 1874:

Ordinary expenses, ....	\$3,946,126 62
Loans redeemed, .....	1,230,166 90
Interest paid on loans..	1,466,274 34
	<hr/>
	1,642,567 86
	<hr/>
Balance in Treasury November 30, 1874, .....	\$1,054,551 65
	<hr/> <hr/>

## PUBLIC DEBT.

Six per cent. loans, . . . .	\$19,321,530 00	
Five per cent. loans, . . . .	4,963,354 01	
Four and a half per cent. loans, . . . . .	87,000 00	
	<hr/>	\$24,371,884 01

## UNFUNDED DEBT.

Relief notes in circula- tion, . . . . .	\$96,196 00	
Interest certificates out- standing, . . . . .	13,049 02	
Interest certificates un- claimed, . . . . .	4,448 38	
Domestic creditors' cer- tificates, . . . . .	25 00	
Chambersburg certifi- cates outstanding, . . . .	82,769 28	
Chambersburg certifi- cates unclaimed, . . . .	263 68	
	<hr/>	196,751 36

Public debt, November 30, 1874, \$24,568,635 37

## BONDS IN SINKING FUND.

Bonds of Pennsylvania railroad com- pany, . . . . .	\$5,500,000 00
Bonds of Allegheny Valley railroad company, . . . . .	3,500,000 00
	<hr/>
	9,000,000 00
	<hr/> <hr/>

During the fiscal year ending November 30, 1873, the receipts of the Treasury amounted to \$7,076,723.20. It will be observed that in the past year the revenues

have sensibly diminished, and the receipts were only \$5,871,968.27. This diminution of \$1,204,754.93 was occasioned by the repeal, in 1873, of the taxes on gross receipts of railroads, net earnings of industrial and other corporations, and the tax on cattle and farming implements. It is worthy of remark that the relief afforded by the repeal of these taxes was mainly in the interest of corporations employing the greatest number of working men. With this reduction of the revenue, and with an increased expenditure of perhaps \$500,000, made necessary by the new Constitution in the additional outlay for schools, Legislature and judiciary, it is manifest that the severest economy must be observed in all the departments of the government, and the appropriations considerately and wisely made, or the State will be unable to meet its obligations under the existing tax laws.

By the Constitution, the proceeds of the sale of public works, and by act of last session, approved May 9, 1874, the tax on the capital stock of all corporations were assigned to the Sinking Fund, which can only be applied to the payment of loans redeemed and interest on the public debt. The receipts from other sources belong to the general revenue fund, and as all the expenditures of the Government are payable therefrom, it will be clearly the duty of the Legislature to limit the appropriation to the amount of this fund.

#### INDUSTRIAL EDUCATION.

The report of the Superintendent of Common Schools, wherein the statistics of our educational system are presented with unusual care, will enlist the profound study of those interested in the mental and moral training of our youths. Convincing as these details are, of the close relationship existing between education and the true welfare of the State, our people are still slow to adopt methods used in other countries

and States, whereby the boundaries of instruction are extended, and knowledge imparted of a more useful and practical kind. Our common school system is now fixed upon a firm basis, and free education assured to all who wish to avail themselves of its benefits, and inquiry should, therefore, be directed to the discovery of the best plan to fit our children for the numerous vocations that are the outgrowth of the peculiar resources and varied industries of the State. Upon a survey of the agencies used in unfolding these resources of Pennsylvania, it must be confessed, the mechanical work necessary for their proper development, requires labor of the highest skill; and if this survey extends over the vast and complex system of her industries, how manifold are the places where practical knowledge and handicraft are needed.

It is to our mineral wealth and manufactures we mainly owe our riches, power, and the advantages we possess as a State, and in our mines, furnaces, forges, rolling mills, locomotive works, and the myriads of factories, wherein her products are formed for use, trained hands and minds are always wanted. Can they be found among our own people? Reasonable and just complaint is made of the want of skilled labor in our midst, and the constant recourse had to foreign countries to supply this pressing need. In our great iron and other industries, and wherever skilled labor is required, the greatest number of those employed have acquired their experience in Europe, or the Eastern States. Is it not time for Pennsylvania to absolve herself from this dependence, that imposes upon many of her sons the condition of common laborers, at the bidding of overseers from without the State?

In the future that awaits our great State, with her exhaustless wealth, wherein are all the elements of empire, shall her children be the hewers of wood and the drawers of water, or shall they assume the posi-

tion to which their birthright entitles them and direct the control her destiny? A very small number of our boys become artisans, and yet it is a maxim of political economy that the measure of a State's productiveness is in proportion to the skill of its labor. We disburse in this Commonwealth ten millions of dollars annually to educate our children, and no one doubts the wisdom, policy, or necessity of this expenditure; and of the children who complete their terms at her schools not one has any special fitness for a trade or any acquirements that will enable them to compete successfully with the skilled labor engaged, in many instances at high prices, in extracting our mineral stores, or in the conduct of the great industries that are the pride and chief support of the State.

I am persuaded the members of the present Legislature are interested in any design that concerns the honor and welfare of the State, and I appeal to your judgment whether the dictates of common sense and a proper appreciation of the true sources of our prosperity do not demand that some provision should be made for training a portion of our children in a knowledge of the mechanic arts, and I beg leave to offer a few suggestions as the outlines of a plan to impart this knowledge which, upon examination, I believe to be feasible and applicable to our system of education. Let young men in our common schools who desire to become mechanical engineers or master mechanics, or acquire a knowledge of some particular branch of mechanical industry, be transferred to schools where they can be taught the sciences that bear upon, and especially mathematics in their relations to the trade they wish to learn. Lecture and draughting rooms should be provided and a workshop furnished with all the improved machinery, the former to be presided over by a professor of mechanical engineering and the latter carefully supervised by a master mechanic. The time

of the students could be divided between the school-room and the workshop, and the lessons taught in the one be reduced to practice in the other, and a knowledge obtained of the mechanical processes made use of from the simplest to the most complicated work. Is there any practical obstacle to educating boys in this manner so that they can calculate the size and parts of a machine, then draught and finally make it with their own hands, if required; in Philadelphia, Pittsburg, and other large manufacturing cities, where the means of acquiring information of this kind are so ample, schools, such as I have described, might be established without great cost, and where provision is made therefor by the local school boards, the State should be pledged to give them proper assistance.

#### COMPULSORY EDUCATION.

If a parent neglects the education of a child or selfishness demands its earnings when the State affords the facilities for its instruction, can it be argued that it is despotic or destructive of the principles of free institutions to compel the attendance of that child at school, and it is not a duty which the State owes, not to the child alone, but to her own safety, to rescue it from the condition of life this indifference or greed may impose upon it, and prepare it, not only to be self-sustaining, but a good citizen as well? All ignorant men are not paupers or criminals, but from this class are recruited the greatest portion of those who fill our almshouses and jails. When, in certain sections of the United States, you find only seven per cent. of the people, above the age of ten years who cannot read and write, and discover eighty per cent. of all the crime chargeable to these sections is committed by this ignorant seven per cent. it will not do to deny that ignorance has a most intimate relation to crime. The statistics of pauperism likewise show that the illiterate



and ignorant crowd our poorhouses, and a very small proportion of the inmates of these institutions have had any of the advantages of education. Will it be said the State has no interest in the suppression of an evil that is the prolific sources of so much misery and vice? Crime and pauperism are burdens which the State has to bear, and to make use of every preventive of these evils is the dictate of good policy and humanity.

There is, however, a more urgent reason why the State should compel the education of all the children within her jurisdiction. It is patent to every observer that where there is an aggregation of the ignorant and criminal classes, the laws regulating suffrage are frequently violated. The most effective remedy for this pernicious evil is the school. It is the nursery of the good citizen; regulates his will and action by certain fixed principles, informs and disciplines his mind, and excites and fortifies his self-respect. Receiving his education at the hands of the State, the child learns to look upon her as his benefactor, and with the increase of his intelligence there is a corresponding growth in his respect and veneration for the Commonwealth from whose beneficence he has so rich an offering. That man must be an ingrate, who, taught by the State and having his mind enriched by the stores from her bounty, will use the gifts thus bestowed in corrupting her counsels or undermining the faith of her people in the sanctity or efficiency of her laws. The lesson of the common school is love of country and obedience to authority. Can the time and attention of those entrusted with government be employed upon a subject more vital to the interests of society than to secure the education of every child within the operation of its laws, and I sincerely trust that from the wisdom of the Legislature will be evolved some plan that will at least gather the neglected children of the Commonwealth

into institutions where, jointly with the contributions of charitable people, she can provide for their maintenance and instruction.

#### NAVAL SCHOOL.

I invite your attention to an act of Congress, approved the 20th day of June, 1874, under whose provisions a school should be established at Philadelphia, for the instruction of youths in navigation. The importance of a school of this kind cannot be over-estimated, especially to a commercial city like Philadelphia, and the liberal offer of the National government will enable the instruction to be given in a practical way under a competent superintendent.

#### SOLDIERS ORPHANS.

The education and maintenance of the soldiers' orphans will continue to elicit your sympathy and aid. No object should make a more successful appeal to our consideration, than the condition of these unfortunate children, whose future will be shaped and usefulness largely determined by the instruction they receive from the State. A number of these orphans, distinguished by good conduct and mental qualities that adapted them to the calling of teachers, have been transferred upon the expiration of their terms, from the Orphan to the Normal schools of the State, where they are being fitted for that useful occupation. What the State should do to obtain employment or a means of livelihood for the residue of these children who are in need of assistance, is a matter, I feel assured, you will not think unworthy of attention.

#### CENTENNIAL.

As the time approaches for the Centennial Celebration of the Nation's Independence, a broader and more

generous sympathy with its objects is apparent, while a more general disposition is shown to make the exhibition on that occasion, not only a faithful representation of our various natural and industrial resources, but to manifest as well, that when the Nation's pride, dignity or honor are concerned, the American people move with a common impulse and have a common interest. It has been conceded from its inception, that the exhibition must have the sanction and authority of all the States, if it would be clothed with the character of a national enterprise, and the number of the States that have already enlisted in the cause, discloses the prevalence of this opinion and the desire for harmony and unity of action. The Centennial must be constructed out of materials furnished from the whole Union, or its beauty will be marred and its symmetry destroyed. We owe it to ourselves, humanity and liberty to demonstrate that the full development of a country and its resources, the education of the masses, the grandest achievements of science, the most abundant fruits of industry, the blessings of religion, and the amplest protection to life and property can all be secured by, and are consistent with the largest share of freedom to man. We are to show that what the combined wisdom of ages and all nations endeavored and failed to obtain, a system of government uniting under its authority forty millions of free people with no other restraints than those imposed by their own will, has had a trial of one hundred years, a century crowded with triumphs in peace and war, and unexampled for the progress and development of those arts that are useful and help adorn human nature. Is not, therefore, the interest, pride and patriotism of every American engaged to make the Centennial in its proportions and grandeur, a true reflex of the intelligence, genius and habits of our people, the magnitude of our resources and the benefits of our institutions? This is

the scope and intention of the celebration, and if we mistake not, the sentiments of the people of the country, every State and Territory will be represented in the exhibition in the manner that will best display its wealth, industries and characteristics, and with the more comprehensive view of making the Centennial truly national and American. That the products of foreign countries will be largely represented, is assured by the number and character of the nations that have signified their intention to contribute, and the liberal appropriations they have made to provide for suitable display. There has been no abatement of zeal in the efforts of the gentlemen in charge of this National undertaking, nor any cessation in their labors to diffuse a proper understanding of its purposes and uses. No apprehension of failure has ever seized them, neither have they been disarmed by unfriendly, and at times unjust criticism, nor deluded by plausible suggestions that might have turned them aside from the supreme object for which they have striven. To their talents, dignity of character and untiring energy, the country will be indebted for a large measure of the success of the Centennial, and in what remains for them to do, these qualities should banish distrust and command for them confidence and support. The work upon the buildings intended for the exhibition, is progressing rapidly, and the structure in its architecture and proportions will be a credit to the nation. The space to be allowed has been carefully allotted to each country, and ample provision made that the articles exhibited will be properly and fully displayed, while every facility will be afforded for the examination of our own products. Philadelphia is enlarging her accommodations for the entertainment of guests, the neighboring cities afford innumerable opportunities of a like kind, the extensive park where the Centennial buildings are located, is every day adding to its natural

beauty, with the contributions of art with which public and private liberality is adorning its avenues, and the welcome accorded those who attend the exhibition, will be in keeping with the traditional hospitality of the people of Pennsylvania, and we trust will reflect honor upon the whole nation.

#### INSURANCE.

The necessity of an Insurance Department, and its utility, have been clearly shown, since its creation, by the discovery of a number of unsafe and insolvent companies that were doing business in this State, one of which resorted not only to fraud but to the crime of forgery to deceive the public. The published assets of these companies, in some instances, amounting to hundreds of thousands of dollars, upon examination melted away to worthless securities, the very possession of which was a convincing proof of an intention to practice fraud. The protection of sound companies, the retention at home of the capital invested in insurance, the interests of the insured, and the honor of the State, alike demand the exposure of these fraudulent companies and the enactment of a general law so stringent in its regulations that it will be impossible for adventures, under the cloak of an insurance company, to rob the public. Every facility for the detection of imposture should be afforded those charged with the examination of these companies. The immense interests involved in this business of insurance are entitled to the utmost protection the State can extend to them, and its inquiries should be so thorough that no form of deception can elude its scrutiny. A more comprehensive law, also, for the incorporation of insurance companies should be passed and made to embrace all classes of insurance, and no company should be allowed to organize, or exist, that did not give the amplest guarantees of solvency and good faith.

## THE NEW CONSTITUTION.

One of the encouraging signs of the times is the growing disposition on the part of citizens to give more serious attention to the science of government and measures for the purification of the channels of administration and law. The most pregnant mischief, however, of our political system, and for which no remedy has yet been found, is the disinclination of men of character and influence to devote a small portion of their time to educating a correct public sentiment, and to the selection of men for office who will fitly represent that sentiment. It is considered one of the first advantages we possess under our form of government to be permitted to vote for those who are to make and administer our laws. If compelled by any arbitrary power to surrender this privilege we would do so noly with our lives, yet how many citizens discharge this most important duty with as much indifference and as little investigation as to the merits of the candidates as they meet the ordinary requirements of their daily life. This unconcern begat a brood of distempers whose malign influence years ago reached the dearest franchises of the people of this State. It became evident that reform must be had in many of the functions of government; in some places authority was strained and in others needed support; abuses in legislation had grown intolerant; the will of individuals and localities was enacted into law; corporations that were the creatures of the State became more powerful than their creator, and cities, through special legislative grants were ruled by the few to the detriment of the many. To correct these evils the people demanded a change that would be radical, and the New Constitution was made to embody the reforms. Special legislation bequeathed to the State a legacy of wrongs that have been fruitful of injustice, and some of whose injurious effects upon the peace and prosperity of the Common-

wealth will be perpetuated to posterity, and if the New Constitution had no other merit than to confine this kind of legislation to its proper limits, it would secure the allegiance and duty of our citizens. The ready acquiescence of our people in accepting the provisions of the New Constitution, and the absence of all contest on the part of corporations, many of whom were jealous of its restrictions, are a gratifying illustration of loyalty to the best interests of the State. The public sentiment that demanded and obtained these reforms must now take care that new or worse disorders do not creep into our political system.

A few suggestions will be pardoned concerning another habit of our citizens which, I fear, will banish integrity from office, unless corrected.

Every well organized government very properly provides against betrayal of trusts, or abuse of power by its Representatives. The public has a right to expect honesty, diligence and a conscientious discharge of duty from those whom it distinguishes by election or appointment, but on the contrary, are not its servants when they fulfill these essentials, entitled to confidence and protection from detraction and abuse. Men of character shrink from contact with public employment, because it involves suspicion, mistrust and slander. To purify office, we must dignify not degrade it. Respect for law will not be increased by holding up those who administer it to public contempt. The propriety and justice of official acts should be examined with more candor, and honest people ought not to take their opinions on trust, but fairly and dispassionately investigate for themselves. Good citizenship requires that we should scrutinize closely the antecedents, character and fitness of candidates for office, and if they possess the necessary qualifications, and are elected, it alike exacts of us that we should give them a constant and trustful support while in the public service.

## BANKS, SAVINGS FUNDS AND TRUST COMPANIES.

We have in the State one hundred and ninety-nine National banks, whose capital is about \$52,000,000; and one hundred and seventeen State banks and savings institutions, whose capital actually paid in, as per Auditor General's report of 1874, was \$8,370,168.85, in all three hundred and sixteen banks and savings institutions, with an aggregate capital of \$60,000,000. For the proper regulation of National banks we are dependent upon the National government. For the regulation of State banks, savings funds and trust companies the State government is responsible to its people, and as it is probable a bill for the enactment of a general law, in compliance with the provisions of the new Constitution, for the organization of banks, may come before you at this session, I invite your special consideration thereto. In my last annual message I called attention to the vicious practice that had grown up in the State, of incorporating banks, savings and trust companies without fixing proper and definite limitations to their powers and privileges and providing for their enforcement. In the enactment of a general law, whereby they can be organized without limit, it is of the highest importance to the business interests of the people, and the material development of the State, that their powers and privileges be clearly defined, and any violation thereof should subject them to proper penalties or the forfeiture of their charters.

The charters of these State banks and institutions were mostly granted within the past few years, and many of them possess powers and privileges which should never have been conferred. The Auditor General's report of 1874, shows they had over \$23,000,000 of deposits. Some of them are averaging \$10, \$20, \$30 and \$40 of deposits for each dollar of capital stock paid in; depending, in some instances, almost entirely upon their deposits for banking facilities. These are ob-



tained by offering usually six per cent. interest, and loaned back to the community in which they are borrowed at higher rates of interest.

These banks and savings institutions act as "middlemen" between the lender and the borrowed, resulting in the rates of interest advancing wherever they are established. That these banks and institutions, with rare exceptions, charge interest greatly in excess of legal rates is notorious; that excessive rates of interest enrich the few impoverish the many, is equally undeniable, and the public welfare demands that a policy so injurious should be avoided. The large majority of these State institutions are styled Savings Banks; with few exceptions, their resemblance to properly regulated savings banks exist only in name. Savings banks, properly organized, are managed for the benefit of their depositors; the nature of their investments prescribed by law, and the use of their deposits for general discounting purposes, usually prohibited. Institutions of the latter character are highly beneficial, and should not be confounded with those who seek deposits for general discounting and banking purposes, and might be more properly designated as banks of deposit and discount. Banks of discount should be prohibited from paying interest on deposit. The authority to borrow, that they may have capital to lend, gives them great advantages, a monopoly in the community where located over individual borrowers, often compelling the latter to pay whatever rates of interest the former may demand. Another objection thereto, suggested in my last annual message, I repeat: "Money will always flow to banks paying interest on deposits, and the large surplus thus aggregated, seduced by attractive offers, is sent to the great money centres, where it gives more impulse to speculation, while the sections from which it is drawn suffer, in all their enterprises, from the higher rates they are compelled to pay for the money

remaining at home." The abundance and cheapness of money, the past year, at the great money centres, and its scarcity and high rates of interest elsewhere, have verified the views then expressed. If an entire reform of this evil is not practicable, it may be greatly decreased, by prohibiting banks of discount from the payment of a greater rate of interest than four per cent., and to the extent reduced, the ability of individuals to borrow money at lawful rates of interest would be increased. Money would remain and be used at home, to the mutual advantage of both borrower and lender. That National Banks are permitted to pay interest on deposits, and some do so, is no reason why a State should sanction a policy so foreign to the principles of sound banking and prejudicial to the interests of its citizens. It is to be hoped the time is near when the National Government will recognize and correct this evil.

I also suggest that in any general law that may be enacted for the organization of banks they be required to have a reasonable amount of capital stock, not less than \$50,000, and to pay it up within one year after organization; that the stockholders be made personally liable for double the amount of stock held by them respectively, and they be prohibited from charging or receiving interest above legal rates; and that this prohibition be extended alike to securities discounted or purchased. I also renew my suggestions that they be made subject to examinations, required to publish quarterly statements, under oath, and to retain in their vaults a cash reserve of ten per cent. of their net liabilities. Protection to depositors, who furnish three-fourths of the money employed by these banks, demands the enactment of liberal provisions for the ascertainment of their condition.

Banks are a necessity—public interest and convenience require them—and properly conducted are of great

public utility. Their power is so great, the interests they control or effect so vast, that any general law enacted for their organization or government demands most careful consideration, that we may avoid the evils of the present system and inaugurate one whose provisions will admit of no evasion, whose penalties will command obedience, and that will protect and secure, alike, both borrowers and lenders in their legitimate rights.

#### GEOLOGICAL SURVEY.

The suggestions in my message of last year in reference to a geological survey of the State, were embodied in a bill that passed the Legislature of 1874. This act authorized the appointment by the Governor, of a board of ten scientific and practical gentlemen to serve gratuitously, to whom was to be entrusted the selection of a geologist, and under whose direction the survey was to be made.

An annual appropriation of thirty-five thousand dollars was made to defray the expenses, and the whole work is to be completed within three years. To compose this board ten gentlemen were chosen from different portions of the State representing the various interests directly concerned in the survey, and possessing, it is believed, the necessary qualifications to fit them for the proper discharge of their important and responsible task. An experienced and competent geologist was elected by the board in June last, and in the brief period that has elapsed since the survey began in September, the work has progressed with great satisfaction, and the results soon to be submitted to the public in an intelligible form will, I feel confident, bespeak for the commission during the remaining two years of their labors the good will and assistance of the people of the State. With the limited appropriation investigation could not be pushed within the first year

into every part of the State, but during the next two years with corresponding zeal and faithfulness a thorough and elaborate survey of the whole State may be expected. The reports to be published within a few weeks will embrace the results of the examinations of the iron ores and roofing slates of York, Adams, Lehigh and Northampton counties; the fossil iron ore belt of the Juniata valley; the bituminous coal basins of Clearfield and Jefferson counties, and the oil regions of Venango county. Included therein will be descriptions of other minerals, together with numerous analyses of ores, clays, coals and rocks, the whole to be accompanied and illustrated with carefully prepared maps.

The great benefit of the survey will be at once recognized in this enumeration and particularly by those who desire to develope, sell or lease their lands. A museum of minerals will be collected at Harrisburg, and when assorted and arranged will be an invaluable contribution to the exhibition at the Centennial.

#### BOARD OF PARDONS.

To comply with the provisions of the new Constitution, so far as it was possible, and to satisfy a reasonable wish of the public, at the request of the Governor, early in the past year, the Attorney General and Secretary of the Commonwealth began to act as a board of pardons, selecting a recorder, to whom all communications and applications were to be addressed, that they might be arranged and prepared for a hearing. It was also made his duty to keep minutes of the proceedings of the Board, to see that all requirements were met, and to record the recommendations for pardon and the reasons therefor. The Board thus organized, with one or two intermissions, held stated monthly meetings, when applications have been publicly heard and every opportunity afforded for a full discussion of their merits or the reasons why they should not be granted.

These hearings have at some sessions extended over a period of four days, the sittings of the Board at times reaching far into the night. The zeal, fidelity, and industry, with which these gentlemen have sought for the truth, entitle them to the gratitude of the public and should secure them its confidence.

As the proceedings before the Board are without precedent, it is not singular that erroneous impressions prevail as to its powers and the form the application and discussion should take in behalf of a prisoner. The common mistake is to conceive that the Board has the functions of a court of review, where the errors of the several courts of the Commonwealth may be revised and corrected. This was manifestly never the intention of those who framed the Constitution and the composition of the Board, only one of whom must necessarily be learned in the law, forbids any such construction.

It is a misapprehension also, to suppose that it is incumbent upon the board to listen to exhaustive and elaborate arguments for and against an application, when all the testimony marshalled on the trial is again reviewed. If this practice should obtain, as the applications increase, the greater part of the time of the gentlemen composing the board, will be consumed in hearing applicants for pardon, to the serious detriment of the public service in their official relations.

To facilitate investigation and enable exact justice to be done, the public and especially those connected with the administration of the law, should esteem it a duty to convey to the board all the information within their knowledge, that would enlighten and help them to a rightful conclusion. Would it not be wise to require every officer of the law, particularly the judge and district attorney, to furnish their opinion as to the propriety of the pardon.

## MUNICIPAL INDEBTEDNESS AND TAXATION.

The creation and increase of indebtedness by the municipalities of this Commonwealth the past few years, have justly excited the apprehension of tax payers, and greatly augmented their burthens. So enormous has this evil become, that a provision was inserted in the new Constitution to check it, and at the last session, I approved an act for that purpose. While the letter of the Constitution may be open to technical criticism, its spirit and intention is in my judgment clear, that no city whose indebtedness at the adoption of the Constitution, exceeded seven per cent., shall be permitted to increase the same, in the aggregate, to exceed three per cent. of the assessed value of the property therein. If additional legislation is necessary, compliance with the spirit of the Constitution and protection to over-burthened tax payers, demand we should permit no evasion of its wise and beneficent provisions.

## POLL TAX.

The payment of a State and county tax is one of the qualifications of voters under our Constitution. Formerly the State imposed a tax upon trades, occupations and professions which was repealed, and the right to levy a similar tax for county and municipal purposes exists. Its imposition in some counties and municipalities is nominal, in others it is levied at the full cash value of the occupation, and is a serious burden upon mechanics and workingmen, whose only property is the receipts of their labor, and tends to prevent their exercising their rights of suffrage. It is not in harmony with our institutions that citizens should be deprived of exercising their franchise by excessive taxation, or that the tax imposed therefor be unequal. This qualification tax of voters should be uniform, and I therefore suggest the repeal of all laws authorizing the

levying of taxes upon trades, occupations and professions, and that a county poll-tax be substituted therefor at a rate so reasonable as to be within the ability of all to pay.

#### NATIONAL GUARD.

Assurances were given in my last annual message that the National Guard, during the ensuing year, would display unusual interest in the service and be more observant of its discipline, because of the recognition accorded them by the Legislature in making some provision for their support, and the decided improvement in the condition of the troops at the fall inspections justified this prediction. The report of the Adjutant General contains many interesting details of the efforts made by the guard to increase their efficiency and merit the confidence of our citizens. The requirements of the service are rigorously exacted of every command, and the inspections were conducted with great care and with a view to have every company attain to the high standard fixed by the State. The number of divisions have been reduced from twenty-one to ten, the troops of each division occupy contiguous territory and can be easily and expeditiously mustered. The officers in command are soldiers of experience in field and camp, and the rank and file are well instructed in the duties of the service and familiar with and regardful of its discipline.

The conduct of the several commands, on occasions of public parade, have been in general unexceptionably good, and when a sterner duty was required of them, the response was prompt and warranted the belief that they could be relied upon in any emergency. Officers are held to a strict accountability for arms and munitions of war in the custody of their commands, and it cannot be too urgently impressed upon the minds of the troops of the National Guard, that in no exigency

can the arms of the State be used except in the hands of her uniformed and regularly enrolled soldiers under the command of their proper officers, acting by the direction of competent authority.

#### LAWLESSNESS.

The people of free governments are always unwilling to contribute largely to the maintenance of armies, and are ever jealous of military power, but experience has likewise demonstrated how impolitic and unsafe it is for a State to have no disciplined or efficient force strong enough to compel obedience to its authority, when the law and its officers are condemned and opposed with violence by large bodies of men. Pennsylvania has, at times, been constrained to the painful necessity of employing troops to enforce compliance with law and the wisdom of providing for like contingencies can no longer be doubted. Men smarting under a sense of wrong, or corporations in pursuit of what they conceive to be their rights sometimes seek their remedy through violence and in disregard of the law and its process. No government can tolerate this mode of redress and exist. The supremacy of the law must be unquestioned and justice obtained through the proper and established channels in the manner prescribed by the people themselves. Bodies of men or corporations have no more constitutional rights than individuals, and they cannot be permitted to use their aggregate strength to procure what is denied to the individual, and what through weakness he could not obtain. All alike must resort to the law and abide by its decrees, and if there are any who refuse and seek to accomplish their ends in an illegal way, the Executive power must enforce obedience to authority without fear or favor, and for this purpose the Constitution wisely provides a body of citizen soldiery. But if there are grave emergencies when it becomes necessary to



use troops to secure peace and respect for law, it certainly never was intended that the National Guard should constitute a State police force to perform the duties imposed upon the local civil authorities, and that upon every breach of order its aid could be invoked to suppress the affray.

In no event and under no circumstances should a military force be used until the power of the civil authorities is exhausted and the outbreak assumes proportions of such magnitude that these officers would be powerless to overcome it. Two sufficient reasons will at once suggest themselves for this policy. Our people are sensitive to, and keenly resentful of interference by any authority that essays to take the place of their local or home rule, especially if this intervention comes in the stern and unreasoning shape of bayonets; and again, the cost of transportation and subsistence of troops involves the State in immense expense. The civil officers in any section of the State who, through indisposition, neglect, fear or any other than an irresistible cause, fail to apprehend or make an effort to apprehend those who transgress the law and break the peace, are liable to the outraged law, and should be punished for their delinquency; and citizens who supinely witness this failure to perform their duty are morally if not criminally responsible for any fatal results that follow. A determination to act with promptitude and vigor, exhibited at the beginning of these disorders, would often intimidate those concerned therein, and cause them to abandon their unlawful enterprise. Therefore, if through any remissness or neglect of duty on the part of the local authorities the State is compelled to adopt the costly procedure of moving troops to subdue those engaged in a riot, I respectfully submit whether the county or counties where this disturbance took place should not be made to defray the expense? No apology is necessary

for the urgency with which these views are presented to you, for it is of vital importance that the civil authorities and the whole body of our people should have a proper understanding of the uses for which the National Guard are intended, so that by no misconception of duty the safety of citizens or the honor of the State may be imperilled.

#### RIOT AT ARMSTRONG MINES.

The unfortunate and prolonged conflict in Westmoreland county, between the Italian and residents miners, wherein four of the Italians lost their lives and a number were wounded, is a sad illustration of the fatal consequences of a want of decision and energy, when a spirit of lawlessness or disposition to riot discover themselves. The contest between these miners was protracted over a period of weeks, with almost daily use of fire-arms. During all this time, life and property were greatly endangered, the public peace was broken, women and children were driven from their homes, and yet inquiry fails to reveal the fact, that a single warrant was issued for the arrest of any of the parties implicated. There is nothing to show any efficient interference on the part of the local authorities to check these unlawful proceedings, and there is no evidence that any regular or official investigation in relation to these troubles was had, until loss of life made it necessary. I feel confident that prompt action on the part of the authorities in the vicinity would have speedily terminated, if not entirely prevented the disturbance.

#### STATE ARSENAL.

Under authority conferred by the last Legislature, the old arsenal, formerly situated on the Capitol hill, was torn down and removed, and the grounds shaped into a more symmetrical form. An eligible site was

purchased for a new arsenal, at a short distance from the city, and the erection of a building thereon commenced without delay. This structure now nearly finished, is handsome and substantial, and admirably suited to the uses for which it is intended. It has superior facilities for the storage of arms and munitions of war in large or small quantities, contains blacksmith and carpenter shops, and the necessary work of an arsenal can all be done within its walls. The site secured consists of a square of ground well located for drainage, and has excellent water and other advantages.

#### FISH.

A growing interest in the cultivation of fish by artificial means is manifested throughout the country and it is a pleasure to note that our people are devoting themselves to the investigation of this novel and important subject in a manner that will establish the success or failure of the experiment in the various waters of the State. The labors of the Commissioners of Fisheries continue to afford substantial reasons for encouragement. During the past year they have placed in the various streams that empty into the sea 376,000 California and 137,000 Kennebec salmon. These streams were selected because it is the habit of the salmon to migrate to and from the sea. If it is found that these valuable fish return to these rivers the State will be amply repaid for the entire expense incurred in aid of fish culture. Under the superintendence of the commissioners 85,000 salmon trout were distributed in different bodies of water where the chances for procuring food and the indulgence of their peculiar habits were most promising. These fish are rapid in their growth, increase very fast, attain a large size, and are a delicate article of food. A general distribution was also made of a large number of black

bass, a very prolific, choice and beautiful fish, that grows and multiplies with marvelous rapidity in our streams. The hatching of shad was resumed last spring, and 3,000,000 of young fish were turned into the Susquehanna. This Commonwealth appropriated a fund to be expended jointly with the fish commissioners of New Jersey in hatching shad to be placed in the Delaware. The Legislature of New Jersey, I regret to say, failed to make a similar appropriation, and in consequence no shad were hatched for that river. There are no obstacles whatever to the ascent of shad in the Delaware, as they come in from the sea, the river is said to be particularly adapted to their wants, and with proper co-operation the supply of shad may be immeasurably increased; and I trust, therefore, that our sister State will combine with our commissioners in replenishing the river.

The success of the fish-way at the Columbia dam does not correspond with the public expectation, and some fears are entertained that the dam may prove an insuperable barrier to the ascent of the shad. Alterations in the fish-way have been made with very little additional cost that will prove an effectual test of the process now on trial; and if it is discovered that the shad will not or cannot make the transit, some other channel will have to be opened to enable the fish to ascend, for now that it is demonstrated that these fish can be propagated artificially to an extent that will make them a constant and unfailing source of cheap and excellent food, every form of expedient should be exhausted before the enterprise is abandoned.

#### BUREAU OF STATISTICS.

The Bureau of Statistics and Labor, by virtue of the new Constitution to be incorporated, during the ensuing May in the Department of Internal Affairs has prosecuted with industry and care the important work

committed to its charge, and the pages of the forthcoming report of the Commissioner will be found of interest to those seeking information in regard to our resources, facilities for trade, manufacture and education, and the vital problems involved in the relations of labor and capital. The usefulness of this bureau will depend upon its ability to obtain reliable statistics, and its investigations, therefore, should be conducted with great circumspection and caution, while citizens and corporations should open every avenue of intelligence to those connected with its official inquiries

#### THE INSANE.

The official reports of the several State Hospitals for the insane contain abundant proofs of the usefulness of these institutions and the wisdom of the beneficence that erects and manages them in the interests of suffering humanity. Posterity will acknowledge that the age in which we live has been the author of many estimable improvements, and that during this epoch various species of cruelty that were wont to disgrace and afflict mankind have disappeared from our customs and laws. Prisons and institutions of reformation and charity have undergone changes dictated by more enlightenment and a kindlier and more thoughtful consideration of what is due from society to the criminal and unfortunate, but in no manner has this benevolence been more judiciously and constantly bestowed than in the provisions made in modern times for the treatment and cure of the insane. This wise and humane spirit is strikingly exemplified in the splendid hospitals Pennsylvania has provided for those of her people who are insane, and it is a gratification to observe that the construction of the new Hospital at Warren, is proceeding with the least possible delay. At the close of the season all the foundations of the main structure, laundry and boiler house were laid; the air

shafts for the ventilation of the building were in place; a large quantity of lumber has been secured for future operations; preparations have been made to carry on portions of the work during the winter, and it is confidently expected that the hospital will be under roof at the end of the current year. True economy has been practiced by the commission in the construction of the building which will be fire-proof, supplied with all the modern conveniences, and in its arrangements fully abreast with the plans that science and experience have approved for the successful conduct of insane hospitals. The wards of the other State hospitals are crowded, and the speedy erection of the one at Warren, will afford relief to a large number of insane who need attention. The numerous cases of insanity in the poorhouses of the eastern part of the State, and the 1,200 helpless and demented creatures huddled together in the Philadelphia almshouse, where the meagre accommodations and the enforced association aggravate rather than mitigate their misery and disease, should be included in the beneficence and care the Commonwealth is extending to this afflicted class of her citizens. As soon as the finances permit a State hospital should be erected at some convenient point where the insane of the city and adjoining populous counties could be sent for treatment.

#### CRIMINAL INSANE.

The commissioners designated by the Legislature of 1874, to inquire into the condition of the criminal insane of the Commonwealth, have prepared a report to which your particular attention is invited.

The subject whereof it treats is of vital importance, and as the gentlemen who make the report are recognized for their enlightened and philanthropic views, and scientific knowledge upon this and kindred questions, their opinions are entitled to especial consideration.

## BOARD OF PUBLIC CHARITIES.

One of the most helpful agencies employed during the last few years to promote the welfare of those whose poverty or mental or physical infirmities made them the beneficiaries of the State, was the intelligent supervision of a Board of Public Charities who were empowered by law to examine all public reformatory and charitable institutions, to ascertain what care and treatment their inmates received. The disinterested labors of this board to alleviate the sufferings of the insane and other poor have been productive of most valuable results, and to its efforts we are under obligations for the marked improvement in the condition of our jails and almshouses, and for a more enlightened sentiment upon the whole important subject of public charity. A detailed report of the beneficial work performed by the board during the past year will be submitted for your information, and I cordially invite earnest attention to the several practical suggestions it embodies under the conviction that they deserve your careful consideration.

## FORESTS.

The attention of the Legislature is again directed to the necessity of adopting some measures to arrest the wanton and indiscriminate destruction of the forests of the State. The extent and variety of the evils involved in this waste, it is to be feared, will fail to be appreciated until we are made to sensibly feel their disastrous effects. Lumbermen of experience declare that in thirty years, with the present alarming destruction of trees, Pennsylvania will not have any salable timber within her borders. The regions where this timber is found are the natural reservoirs from which our streams and rivers are fed, and observation shows that the rain-fall and supply of water therein have been materially diminished since stripped of their forests.

It is alleged, likewise, that decided atmospheric changes are perceptible, and that the winters have grown more rigorous and the heat of the summer more intense in these same regions, and that their dwarfed fruits and stunted crops are plainly tracable to the absence of the usual moisture occasioned by denuding them of their trees.

To test the correctness of these observations and determine whether it is advisable or practicable to regulate the destruction of timber, I respectfully propose that the commissioners of the geological survey be empowered to employ a person to make the necessary scientific and practical inquiries.

#### COLONIAL RECORDS.

The General Assembly authorized last session, the publication of the minutes of the Board of War and Navy Board of Pennsylvania, and the papers in the office of the Secretary of the Commonwealth, heretofore unpublished. These records and papers have been carefully collated under the supervision of the Secretary of the Commonwealth, and the first volume of the second series of the Pennsylvania Archives will appear during the present month. The second volume to comprise a full record of the rolls and services of the Pennsylvania line and militia is also well advanced towards completion.

#### EXEMPTION LAW.

It is to be regretted that the act to modify the exemption law of 1849, so as to forbid a waiver of the exemption by the creditor, was not passed finally at the last session of the Assembly. It encountered no serious opposition, and failed to become a law from inattention. The ability of debtors to waive the exemption is frequently the parent of great injustice and misery, and the considerations of humanity that



prompted the passage of the law in the interest of their innocent and helpless families, should secure its modification.

#### NAVIGATION OF THE OHIO RIVER.

In May, 1872, a commission was appointed by the Governor of Pennsylvania, to act in conjunction with commissions from the States of West Virginia, Ohio, Kentucky, Tennessee, Indiana and Illinois, to determine what measures should be taken to secure the improvement of the navigation of the Ohio river. Several conferences were held and the event of their deliberations was the adoption of a plan to be submitted to Congress at the present session. This plan, the result of continued inquiry and experiments, was prepared by engineers of the United States army, is approved by the commissions for the improvement of the Ohio, and is in its main features in practical operation in France where it serves the ends proposed. The commissioners of Pennsylvania have made a report to the Executive embodying a brief view of their labors and the suggestions they have to offer in regard to this enterprise. They recommend that the Legislature of Pennsylvania pass a joint resolution asking Congress to appropriate sufficient money to commence this improvement, and I heartily concur in this recommendation.

One of the subjects of engrossing interest to the people of the west and south-west, and in which the east is as immediately concerned is to obtain some means of conveyance, whereby their commodities can reach the markets, and they can receive in return what they need at cheaper than existing rates, and in addressing themselves to the consideration of this great transportation problem, the improvement of the Ohio river is believed to be the mode by which it can be solved with the least difficulty. The Ohio is the

natural highway for the commerce of this vast region, and in seeking an outlet in the east or at the sea, this trade must flow with its mighty and steady current through Pennsylvania to the manifest benefit of her citizens who should lend to all measures for the improvement of the river their influence and support.

#### IN MEMORIAM.

In the year that has just closed, the bar and people of Pennsylvania have had occasion to lament the death of two of her most distinguished citizens and learned jurists. The late Chief Justice James Thompson, while engaged in the argument of a cause before the court, where his voice had often been heard interpreting the law, was suddenly stricken down with disease, and in a few minutes ceased to breathe. The life of Judge Thompson was one of constant service to the State. In the Legislature and Congress, as President Judge of a judicial district, and upon the Supreme Bench, he displayed strong characteristics and remarkable abilities that would have given him prominence in any community. Conspicuously known for his common sense, sterling integrity, knowledge of human nature, and general and intimate acquaintance with the principles and practice of the law, he was of a type of men rarely found in public employment, and for whom a whole people mourn when the State is deprived of their integrity and talents.

The recent demise of John M. Read, who likewise occupied the highest judicial office in the State, is fresh in our memory, as is the recollection of his long and useful career, extending over a half century of an active, eventful and honored professional and public experience, and filled with the evidences of his learning, probity, and earnest advocacy of the people's rights. Like his brother Chief Justice, whom he so soon followed to the grave, Judge Reed served in the State and

National councils in various capacities, carrying into the performance of their duties the same energy and desire to do right that ever characterized his conduct, and embellishing his official acts with constant proofs of scholarly research and culture. James Thompson and John M. Read are names that will always be intimately blended with the history of jurisprudence in Pennsylvania—names to which property and life within her borders owe some of their best guarantees, and the law is indebted for some of its strongest safeguards. It is a common observation, that nothing so soon reveals the character of a man as to invest him with power and authority. Judges Thompson and Read occupied positions of power and authority from early youth to a ripe old age, and died without a stain upon their character. What nobler epitaph could embalm their memory?

#### CONCLUSION.

Being the first Representative elected under the new Constitution, a grave responsibility rests upon the present Legislature, and the future prosperity of the Commonwealth will depend in a large measure upon the wisdom of the counsels that may prevail at the pending session. Additional legislation is needed to give full force and effect to the Constitution, and the importance of framing laws that will be uniform and general in their operation, cannot be urged upon the attention of your honorable bodies with too much earnestness. I feel convinced that you will approach the discharge of this duty with a becoming sense of the magnitude of the trust and an ardent desire to promote the public welfare, and with all efforts in this behalf, I pledge you my heartiest co-operation. My most cordial wishes attend you for an auspicious beginning and a happy close to your labors. Whatever our endeavors may be, let us hope they will redound to the

honor and advantage of the State, and to this end we should invoke the maturest judgment and Divine assistance.

J. F. HARTRANFT.

Executive Chamber,  
Harrisburg, January 6, 1875.

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To the Senate Nominating Craig Biddle to be a Judge of the Court of Common Pleas No. 1, for Philadelphia County.

Executive Chamber,  
Harrisburg, January 12, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Craig Biddle, to be judge of the court of common pleas No. 1, in and for the county of Philadelphia, until the first Monday in January, 1876.

J. F. HARTRANFT.

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To the Senate Nominating Henry Van Reed to be an Additional Law Judge of the Twenty-third Judicial District.

Executive Chamber,  
Harrisburg, January 12, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry Van Reed, to be additional law judge for the Twenty-third judicial district, composed of the county of Berks, until the first Monday in January, 1876.

J. F. HARTRANFT.

To the Senate Nominating Jacob Stauffer an Associate Judge of the Court of Common Pleas for Monroe County.

Executive Chamber,  
Harrisburg, Pa., January 12, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Jacob Stauffer, of Tannersville, Pa., to be Associate Judge in and for the county of Monroe, until the first Monday in January, 1876.

J. F. HARTRANFT.

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To the Senate Nominating Trustees for the Hospital for the Insane at Danville.

Executive Chamber,  
Harrisburg, Pa., January 12, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the hospital for the insane at Danville, Pa., for the term of three years: W. A. M. Grier, Hazleton, Pa.; Dr. B. H. Detwiler, Williamsport, Pa.; Alexander J. Frick, Danville, Pa.

J. F. HARTRANFT.

To the Senate Nominating Francis Wells a Commissioner of the Board of Public Charities.

Executive Chamber,  
Harrisburg, Pa., January 12, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Francis Wells, of Philadelphia, Pa., to be a commissioner of the Board of Public Charities for the term of five years.

J. F. HARTRANFT.

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To the Senate Transmitting a Document Concerning the Centennial at Philadelphia.

Executive Chamber,  
Harrisburg, Pa., February 2, 1875.

Gentlemen:

**I** HAVE THE HONOR TO TRANSMIT HEREWITH a copy of a communication received by me from A. T. Goshorn, Director General United States Centennial Commission, to which your attention is respectfully invited.

J. F. HARTRANFT.

INTERNATIONAL EXHIBITION.

1876.

United States Centennial Commission,  
Philadelphia, January 30, 1875.

To his Excellency, John F. Hartranft,

Governor of Pennsylvania:

Sir:—In behalf of the United States Centennial Commission, I have the honor to direct your attention to several subjects connected with the International Exhibition of 1876, of great importance to your Commonwealth, and for which provision should be made this year.

It has already become manifest that a large proportion of the articles to be exhibited will be provided for in a creditable manner by the manufacturers and producers of the several States. But there remain large classes of objects whose collection is essential to a complete representation of the material and social condition of the community, yet which it is not to the interest or within the power of an individual to collect. Of this description, are the unwrought natural resources of the land, such as its minerals, soils, woods, vegetation, etc. It is so largely upon their wealth in this direction that the growth of States depends, that this department of the exhibition will be critically studied by those interested in the problems of immigration and of the investment of capital. On merely economical grounds every State would do well to provide liberally for the thorough and exhaustive representation of the actual and possible products of its soil.

Another department that should be inaugurated and prepared under the auspices of the State governments, is that which may be termed the historical and statistical. Unless done by official authority, there will not be a complete representation of such matters as the history of the early settlement of the State; its physical features, climate, geographical position, government, law and punishment of crime, system of State and municipal taxation, revenue and expenditures, benevolent institutions and charities, education, scientific, industrial, commercial, learned and religious societies, agricultural and manufacturing interests, the extent and effects of railroads and other means of transportation, the history and growth in population and wealth of the State. All these subjects, among others, ought to be represented as to afford a summary view of the history, progress and present condition of every State. Unless this is accomplished the exhibition will seriously fail in that part of its purpose which contemplates a representation of the nation's growth during the first century of its existence.

Official resources only are adequate to the satisfactory execution of the task thus proposed.

It is hoped, therefore, that each of the States, either by legislative action or otherwise, will adopt such measures as may be deemed necessary to empower existing organizations or agencies to be created to prepare an exhibition of its native resources and moral and political advancement as herein indicated. A collective representation of this character will not only be interesting as illustrating the prosperity of the country,

but will also be of inestimable value for the preservation in the archives of the nation, as a correct history of the birth and progress of the several communities that have contributed during the century to the growth and strength of the Union of States.

How far your State will participate in these suggestions is a question that I have the honor to most respectfully submit and recommend to your early consideration.

Your obedient servant,

(Signed)

A. T. GOSHORN,  
Director General.

To the Senate Nominating Rev. O. H. Miller State Librarian.

Executive Chamber,  
Harrisburg, Pa., February 1, 1875.

Gentlemen:

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Rev. O. H. Miller, of the county of Allegheny, to be State Librarian for the term of three years, to compute from the day of the date hereof.

J. F. HARTRANFT.

To the Senate Nominating Trustees of the State Lunatic Hospital.

Executive Chamber,  
Harrisburg, Pa., February 3, 1875.

Gentlemen:

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the Pennsylvania State Lunatic Hos-



pital at Harrisburg, viz: Dr. George Bailey, Daniel Eppley and Henry T. Darlington, for the term of three years, to compute from the first day of February, 1875, and Robert A. Lamberton for the unexpired term of George Bergner, deceased, being until the 7th day of February, 1876.

J. F. HARTRANFT.

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To the Senate Nominating Thomas J. Bigham Commissioner of Labor Statistics and Agriculture.

Executive Chamber,  
Harrisburg, Pa., February 8, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Thomas J. Bigham, Esquire, of the county of Allegheny, to be Commissioner of Labor Statistics and Agriculture until the first Tuesday of May, A. D. 1875.

J. F. HARTRANFT.

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To the Senate Nominating Louis W. Read Surgeon General with the Rank of Brigadier General.

Executive Chamber,  
Harrisburg, Pa., March 9, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Louis W. Read, of the county of Montgomery, to be Surgeon General of the State, with the rank of brigadier general.

J. F. HARTRANFT.

To the Senate Nominating Joshua W. Jones Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, Pa., March 9, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Joshua W. Jones, of the county of Dauphin, to be Superintendent of Public Printing, for the term of one year.

J. F. HARTRANFT.

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To the Senate Nominating Major Generals of the National Guard.

Executive Chamber,  
Harrisburg, Pa., March 16, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named to be Major Generals of the National Guard, viz: Edwin S. Osborne, of the Third division, to rank from March 25, 1870; Joshua K. Sigfried, of the Fourth division, to rank from October 1, 1870; James A. Beaver, of the Fifth division, to rank from October 12, 1870; Alfred L. Pearson, of the Sixth division, to rank from March 29, 1870; Henry S. Huidekoper, of the Seventh division, to rank from September 17, 1870; Thomas F. Gallagher, of the Eighth division, to rank from October 1, 1870; Harry White, of the Ninth division, to rank from September 17, 1870.

J. F. HARTRANFT.

To the Senate Nominating Brigadier Generals of the  
National Guard.

Executive Chamber,  
Harrisburg, Pa., March 18, 1875.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate; for the advice and consent of the Senate, James Starr, to be Brigadier General of the First Brigade, First division, National Guard of Pennsylvania, and Louis Wagner, to be Brigadier General of the Second Brigade, First division, National Guard of Pennsylvania.

J. F. HARTRANFT.

Proclamation Relative to Certain Riotous Demonstrations in the Counties of Luzerne and Schuylkill.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



wealth.

**I**N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-



I, John F. Hartranft, Governor of the said Commonwealth have caused this Proclamation to issue.

Whereas, It is represented to me that in the counties of Luzerne and Schuylkill certain evil disposed persons have combined themselves together in violation of law, causing terror to law abiding citizens and plac-

ing life and property in peril by their tumultuous and disorderly conduct, and with force and arms are intruding upon the rights of individuals and corporations and preventing well disposed persons from the pursuit of their lawful employment and avocations,

And Whereas, It is made the duty of the Executive to take care that the laws be faithfully executed.

Now Therefore, I, John F. Hartranft, Governor and Commander-in-Chief do command all such evil disposed persons in the aforesaid and other counties to disperse and desist from further unlawful combinations and demonstrations, and to return without delay to their homes, and all such persons are hereby notified that if they fail forthwith to comply with this command I shall promptly furnish the Sheriffs of said counties whatever military aid may be necessary to preserve order, protect life and property and enforce obedience to the laws of the Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg, this third day of April in the year of Our Lord one thousand eight hundred and Seventy-five, and of the Commonwealth the ninety-ninth.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation announcing that the Governor has Filed in the Office of the Secretary of the Commonwealth, with his Objections thereto, Certain Bills Presented to him within Ten Days of the Final Adjournment of the Legislature.

Pennsylvania, ss.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

wealth.

A PROCLAMATION.



I, John F. Hartranft, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue, and in compliance with the provisions of Article IV, Section 15, of the Constitution thereof, do hereby give notice, that I have filed, with my objects thereto, in the Office of the Secretary of the Commonwealth, the following Bills passed by both houses of the General Assembly, viz:

Senate bill No. 20, entitled "An Act to declare the trustees of the General Assembly of the Presbyterian Church in the United States of America to be the legal successors of the Trustees of the Presbyterian House, and to authorize the latter corporation to transfer the property held by them to the former."

Senate Bill No. 25, entitled "A Supplement to an act relating to writs of quo warranto, approved June fourteen, one thousand eight hundred and thirty-six, authorizing writs of quo warranto in certain cases."

House Bill No. 39, entitled "A Supplement to an act, entitled 'An Act to provide for the destruction and to

prevent the spread of Canada thistles,' approved the twenty-second day of March, one thousand eight hundred and sixty-two."

Senate Bill No. 40, entitled "An Act to repeal the first section of An Act relative to the appointment of sealer of weights and measures approved the twentieth day of February, eighteen hundred and seventy-two, so far as the same relates to the appointment of such officer in and for the county of Dauphin."

Senate Bill No. 65, entitled "An Act to validate certain conveyances made by married women."

Senate Bill No. 82, entitled "A Supplement to an act, entitled 'An Act relative to courts in this Commonwealth,' approved May four, one thousand eight hundred and fifty-two, to provide for the service of writs on agents, clerks, attorneys, in fact managers or general agents of non-resident defendants in certain cases."

Senate Bill No. 174, entitled "An Act authorizing common carriers, factors, commission merchants and other persons to sell goods, wares, merchandise, baggage and other property unclaimed or perishable upon which they have a lien."

Senate bill No. 183, entitled "An Act to amend an act concerning the sale of railroads, canals, turnpikes, bridges and plank roads, approved the eighth day of April, one thousand eight hundred and sixty-one, and to extend the provisions thereof to all corporations."

Given under my Hand and the Great Seal of the State, at Harrisburg, this sixteenth day of April, in the year of our Lord, one thousand eight hundred and seventy-five, and of the Commonwealth the ninety-ninth.

J. F. HARTRANFT. \*

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving.—1875.

Pennsylvania, ss.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

THANKSGIVING PROCLAMATION.



In the abundant crops with which Heaven has blessed us, in the absence of pestilence and want from our midst, in the diminishing distrust that pervades the channels of trade, and the prospect not only of a revival of commerce and manufacture throughout all the States of the Country, but of a happy and cordial reunion of the people thereof, the Nation has occasion for thankfulness.

I respectfully ask therefore, that the people of Pennsylvania in accordance with the recommendation of the President of the United States, assemble on the Twenty-fifth day of November, one thousand eight hundred and seventy-five, to give thanks to the Great Author of all our blessings and to petition for the continuance of the Divine Favor to the Nation and State.

Given under my Hand and the Great Seal of the State at Harrisburg, this Eighth day of November in the year of our Lord, One thousand eight hundred and Seventy-five, and of the Commonwealth the one hundredth.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Cannellation of One Million Three Hundred and Thirty Five Thousand Four Hundred and Ninety Seven Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas, By the third section of the Act of the General Assembly of this Commonwealth, approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight, entitled "An Act to establish sinking fund for the payment of the public debt," and the supplement thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund created by the said first recited Act of the General Assembly, to report annually and certify to the Governor the amount received under the said act, the amount of interest paid, and the amount of debt of the Commonwealth redeemed and held by them, whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his Proclamation, stating the fact, and the extinguishment and final discharge of so much of the principal of said debt:

And Whereas, M. S. Quay, Justus F. Temple and



Robert W. Mackey, Esquires, the Commissioners of the Sinking Fund, in obedience to the requirements of law, report and certify to me that the amount of the debt of the Commonwealth of Pennsylvania redeemed and held by them, from the first day of December, one thousand eight hundred and seventy-four to and including the thirtieth day of November, Anno Domini one thousand eight hundred and seventy-five, is One Million three hundred and thirty-five thousand four hundred and ninety-seven dollars and sixty-three cents, made up as follows, viz:

Five per cent. bonds, .....	\$94,112 43
Six per cent. bonds, .....	1,241,362 72
Relief notes, act of May 4, 1841, .....	12 00
Interest certificate, .....	10 48
	<hr/>
	\$1,335,497 63
	<hr/> <hr/>

Now Therefore, As required by the third section of the Act of the General Assembly first above mentioned, I, John F. Hartranft, Governor aforesaid, do hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of One Million three hundred and thirty-five thousand four hundred and ninety-seven dollars and sixty-three cents of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the State, at Harrisburg, this sixth day of December, in the year of our Lord one thousand eight hundred and seventy-five, and of the Commonwealth the one hundredth.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

## Annual Message to the Assembly.—1876.

Executive Chamber,

Harrisburg, January 4, 1876.

Gentlemen of the Senate and House of Representatives:

WE HAVE ASSEMBLED TO DEDICATE OURSELVES anew to the performance of the duties of the responsible trusts confided to our care. We cannot be unmindful of the magnitude of these trusts and the wisdom and courage necessary to administer them with fidelity and justice, and that we may not be wanting in our conception of, or halt in our efforts to enforce what is right, let us reverently ask for the Divine assistance, that our consciences may be enlightened and our hearts strengthened for the task.

## FINANCES.

The condition of the finances of the State, as exhibited in the subjoined statements, demonstrates clearly the ability of our people to pay all their indebtedness as it accrues, and is an interesting commentary upon the simplicity and efficiency of our tax system, but likewise as plainly shows the necessity for some modification of existing laws for the distribution of the revenues, if the difficulties that beset legislation at the last session are to be avoided.

## DEBT REDEEMED.

During fiscal year ending November  
30, 1875:

Five per cent. loan, .....	\$94,112 43
Six per cent. loan, .....	1,241,362 72
Relief notes, .....	12 00
Interest certificate, .....	10 48
	<hr/>
Total, .....	1,335,497 63
	<hr/> <hr/>

## RECEIPTS.

During fiscal year ending November  
30, 1875:

Balance in Treasury November 30, 1874,	\$1,054,551 65
Receipts, .....	6,480,099 02
	<hr/>
Total, .....	7,534,650 67

## DISBURSEMENTS.

Ordinary expenses, ....	\$3,806,769 29
Loans redeemed, .....	1,335,497 63
Interest on loans, .....	1,399,176 48
	<hr/>
	\$6,541,443 40
	<hr/>
Balance in Treasury November 30, 1875, .....	993,207 27
	<hr/> <hr/>

## FUNDED DEBT.

Six per cent. loan, ....	\$18,153,380 00
Five per cent. loan, ....	4,869,241 58
Four and a half per cent. loan, .....	87,000 00
	<hr/>
	\$23,109,621 58

## UNFUNDED DEBT.

Relief notes in circula- tion, .....	\$96,184 00
Interest certificates out- standing, .....	13,038 54
Interest certificates un- claimed, .....	4,448 38
Domestic creditors' cer- tificates, .....	25 00
Chambersburg certifi- cates outstanding, ..	9,620 90
Chambersburg certifi- cates unclaimed, ....	199 34
	<hr/>
	\$123,516 16

Total public debt, ..... 23,233,137 74

## SINKING FUND ASSETS.

Bonds of Pennsylvania railroad company, \$5,- 300,000, representing an indebtedness Jan- uary 1, 1876, as per schedule on file in of- fice of State Treas- urer, . . . . .	\$5,132,544 36	
Bonds of Allegheny Val- ley railroad company,	3,400,000 00	
	<hr/>	
	8,532,544 36	
Cash in sinking fund November 30, 1875, . .	934,028 49	
	<hr/>	
		\$9,466,572 85
Indebtedness unprovided for. . . . .		13,766,564 89
		<hr/> <hr/>

The appropriations made for the fiscal year ending November 30, 1875, exceeded the receipts of the general revenue fund five hundred and fifteen thousand eight hundred and twenty-one dollars and twenty-two cents, and with like appropriations and receipts the deficit for this year would be doubled. It is estimated, however, that the revenue of this year will be five hundred thousand dollars less than that of last year, which would make the deficiency at the end of the current fiscal year about one million five hundred thousand dollars, unless the appropriations can be reduced. The appropriations are already made for that part of the fiscal year embraced between December 1, 1875, and June 1, 1876. Moreover, the principal appropriations, such as for schools and the ordinary expenses of the government, are fixed by the Constitution or by law, except those for public charities, and these will demand unusually large amounts at this session by rea-

son of their failure to receive anything at the last. It is manifest, therefore, that the appropriations cannot be materially reduced, and the deficiency must be provided for either by the imposition of new taxes or the diversion into the general fund of some of the revenues now flowing into the sinking fund. To levy new taxes at a time when the business and industrial interests are prostrated would be unwise and a great hardship, and would justly meet with public condemnation. The necessity, therefore, of the re-distribution of the revenues is obviously a duty that is urgent, and demands your immediate attention.

By virtue of a constitutional amendment, the Sinking Fund was created for the purpose of gradually reducing the public debt at a time when it exceeded forty millions of dollars. An annual reduction of two hundred and fifty thousand dollars, and the payment of interest of the entire debt were its only requirements, and they have been faithfully fulfilled by the Sinking Fund Commissioners since the creation of the fund in 1857. It will also be observed by the following statements, the most sanguine hopes of the framers of the constitutional amendment have been more than realized, during the last eleven years the annual reduction of the debt averaging nearly a million and a half of dollars.

Public debt December 1, 1864. . . . .	\$39,379,603	94
Public debt December 1, 1875. . . . .	23,233,137	74
	<hr/>	
Total reduction in eleven years, . . . . .	16,146,466	20
Average annual reduction, . . . . .	1,467,860	56
	<hr/> <hr/>	

The appended statement will show the balance of the estimated receipts of the Sinking Fund, at the expiration of the fiscal year after the requirements of the Constitution will have been complied with:

Tax on corporation stocks, . . . . .	\$2,100,000	00
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Commutation of tonnage tax, . . . . .	460,000 00	
Allegheny Valley railroad bonds, . . . . .	100,000 00	
Interest on Allegheny Valley railroad bonds, . . . . .	170,000 00	
<hr/>		
Constitutional require- ment of annual reduc- tion of public debt, . .	\$250,000 00	
Interest on public debt, . . . . .	1,300,000 00	
		<hr/>
		1,550,000 00
<hr/>		
Surplus, . . . . .		1,280,000 00
<hr/> <hr/>		

It will thus be seen with the present distribution of the revenues, there will remain each year in the Sinking Fund, after the payments which the Constitution requires, over a million and a quarter of dollars and when it is remembered that the amount of interest to be paid will annually decrease, and the receipts be greater, owing to the natural accretion of the taxes, the amount of this balance will be augmented from year to year. If this surplus is annually applied to the extinguishment of the debt, a careful calculation will show, that in ten years the entire indebtedness of the State will be redeemed. However desirable this reduction may be and gratifying as it certainly would be to the Executive, under whose administration a large portion of it would be made, yet the diminution of the taxes in 1873, to the amount of one million of dollars, and the five hundred thousand dollars additional expenses made necessary by the new Constitution in behalf of common schools, the Judiciary and Legislature, and the claims of deserving public charities, forbid this large reduction as the revenues are now distributed. By another calculation it appears that by taking one-third of the corporation tax, which the Legislature assigned to the Sinking Fund, and

dedicating this one-third to the uses of the general fund, the whole indebtedness can still be liquidated in fifteen years. Without additional taxation, a fund may thus be created, that with the other revenues of the general fund, will, with prudent management, possibly be sufficient to meet all the necessary and proper expenses of the government, and I recommend that this change be made.

At the end of the last fiscal year there remained in the Sinking Fund the sum of nine hundred and thirty-four thousand and twenty-eight dollars and fifty-nine cents. There can be no further redemption of public debt until August, 1877, as all State loans reimbursable prior to that time have been paid; and in the meantime the Sinking Fund, in addition to the above amount, will continue to accumulate a large balance, which there is no authority to invest. I therefore recommend the enactment of a law authorizing the Sinking Fund Commissioners to invest the surplus funds in the bonds of the State or the United States as they deem most advantageous, which, in accordance with the provisions of the new Constitution, are the only investments that can be made, and that these investments be directed to be made monthly.

#### EDUCATION.

The prosperous condition of our public schools affords abundant occasion for just pride. The exhibit made in the report of the Superintendent of Public Instruction is a gratifying illustration of the liberality and public spirit of our citizens and an earnest pledge of what may be expected of them when any great or beneficent object enlists their sympathy and support. Ten years ago the Commonwealth had one thousand seven hundred and forty-three graded schools within her limits; to-day there are five thousand six hundred and twenty-five. During the last decade the value of her school property has appreciated from five hundred and sixty-four thousand eighty-eight dollars and eight cents to

two millions one hundred and fifty-nine thousand four hundred and fifteen dollars and eighty-three cents. In 1865 the State expended upon her public schools three millions six hundred and thirteen thousand two hundred and thirty-eight dollars and fifty-five cents. In 1875 the outlay for the same purpose was nine millions three hundred and sixty-three thousand nine hundred and twenty-seven dollars and seventeen cents. Thirteen thousand eight hundred and sixty-three teachers attended, during the last year, the Teachers' Institutes held throughout the Commonwealth. In 1865 there were only two thousand seven hundred and sixty-five in attendance upon their sessions. These figures are eloquent of the generosity of our citizens and their ardent desire to facilitate the attainment and promote the progress of education. It is interesting to observe likewise, that those employed in the instruction of our youth appreciate this liberality of our people and are zealously striving to make our school system so comprehensive and thorough that there will be a fitting and just return for the expenditure incurred. It is an accepted maxim that the education of its youth is the most important subject that can engage the attention of a community. There is no capital more productive, nor any more solid or safer basis for the welfare of a State than the inculcation of sound principles and habits of industry among its children. It is as trite as it is a true saying that idleness and vice are great burdens to society and that virtue and industry contribute to its welfare and dignity. Our title to the respect and gratitude of posterity will therefore largely depend upon our efforts in behalf of right education, and it is for us to gravely consider whether we perform our whole duty by providing each year for the necessary expenses of the School Department and make no endeavor to extend its usefulness and benefits to new fields of instruction. It is not a reproach upon our wisdom, and when we think of the



thousands of neglected children in our midst may it not also be said upon our humanity to expend ten millions of dollars annually upon public education and find thousands of children who will not or cannot avail themselves of its privileges. No people have contributed more to the advancement of human comfort and the abridgement of labor by the application of mechanical principles, or are more prolific of invention of a useful kind than Americans, and yet few countries give less attention to the development of this genius and the study of these principles in their systems of public instruction than our own. With such capabilities and the opportunities for the application of mechanical principles at our very doors in the unfolding and manufacture of our great resources, does it seem the part of prudence and common sense to permit all this vast expenditure to be made without embracing in the plan some methods of instruction that will at least fit a small number of children for some special trade or occupation.

My opinions upon the subjects of compulsory and industrial education are well known and it is unnecessary for me again to advance them. They have discovered themselves to me after mature and conscientious thought and investigation, and are founded, I believe, upon principles of sound policy, and as their discussion and necessity are enforcing themselves upon public attention, I respectfully ask if the nature and importance of your trust as legislators do not exact of you some consideration in this regard.

#### NORMAL SCHOOLS.

The methods of teaching have been vastly improved in the last few years, and it is conceded many of these methods are the outgrowth of the Normal schools of the State, the teachers from which have contributed very materially to the character and efficiency of the public schools. Some persons have a natural fitness for teaching, but in most instances the qualifications

therefor are acquired, and in no way can they be so readily obtained as by the special preparation and technical instruction received at the Normal school, where the principles and practices of teaching are inculcated by experienced preceptors. The greater the number of these schools, the higher we raise their standard, and the more thorough the instruction imparted within their walls the more widespread will be their influence, and to secure competency and promote the welfare of teachers and pupils alike, I trust the Legislature will extend to the Normal schools whatever assistance may be needed to insure their increased efficiency and usefulness.

#### SOLDIERS' ORPHANS.

The continued favor of the Legislature to the schools wherein the orphans of our soldiers are maintained and taught, is an agreeable proof of the patriotism of our people. What prouder monument could we erect to the Pennsylvanians who fell in battle than to care for and educate their children? There will be little hope for our institutions, when we cease to be grateful to those who bled or died in their defense. No more responsible charge, and one which does more honor to her head and heart, has been assumed by the Commonwealth than these schools for the support and instruction of our soldiers' orphans; and it is of the gravest importance that this trust should be administered not only in good faith to the State, but with a special view to the comfort and careful education of these unfortunate children. Ten years have elapsed since the close of the war, and many of the children of our deceased soldiers have reached years of maturity. Every year the number for whom the State must provide becomes less, and it is apparent that there is no necessity for the continuance of so many schools of this kind, and that, under the present system, with the

number of pupils decreasing each year, and the receipts for their maintenance and instruction correspondingly diminishing, the proprietors of these schools cannot conduct them without loss or necessarily reducing the food, clothing or tuition of the children. These proprietors are paid a stipulated sum for the care, tuition, clothing and food of each child. The sum paid is upon a basis that gives to each school, we will suppose, two hundred children. It is manifest, when this number is reduced to one hundred, and all arrangements have been made for the care and instruction of two hundred, either the proprietors or the children must suffer; and to rescue both from any such misfortune, I recommend that the Superintendent of Public Instruction be directed to select the best schools at the most advantageous points, to which shall be transferred all the children for whom provision is now made, and that this process continue until the last orphan child is educated. Under this system, there will be no temptation to maintain these schools perhaps to the detriment of the children, and the State will be assured that its bounty is properly and fully bestowed.

#### MUNICIPAL GOVERNMENT.

There is no political problem that, at the present time, occasions so much just alarm, and is obtaining more serious and anxious thought than the government of cities, whose administration in many sections of the country is fraught with perils, not only to the material prosperity of our people but to the welfare and permanence of the Republic. Is it not therefore incumbent upon those who are charged with the conduct of public affairs, as well as those who are concerned for the good and honor of the country, to carefully and diligently inquire into the causes of these mischiefs that attend upon the rule of our cities, and

see if they spring from or are the actual development of any inherent defect in the existing systems of government, or are the outcome of a merely transient tendency to extravagance, that by its abuse will work its own effectual cure. A glance at the enormous debts and stupendous schemes for public improvements undertaken and in progress, or in contemplation by the numerous cities of the country, is sufficient inducement to this investigation, and will convince the most skeptical that a speedy and radical remedy must be found to arrest these extravagant expenditures or the credit of our cities will be destroyed and repudiation, to which resort some have already been driven, will be the only recourse from ruin. It will not do to mock at the voice of warning and entrench ourselves in the belief that the natural growth of our cities and the consequent accumulation of wealth and appreciation of property therein, will liquidate all the bonds this generation can impose upon the next, for experience and history alike teach that extravagance grows with indulgence, and the only safe, wise and honest course for individuals and communities to pursue is to live within their means and pay as they go.

The exercise of a local jurisdiction by towns and cities had its origin in the remotest antiquity. The vestiges of this power can be traced in the exhumed remains of the ancient cities of Phoenecia and Egypt. In the municipalities of Greece political rights were clearly defined, and each city was sovereign and acknowledged no authority but that of its own creation. Under the rule of Rome we discover our ideal of the modern municipality, as described by a distinguished historian: "A community of which the citizens are members of the whole nation, all possessing the same rights and subject to the same burdens, but retaining their administration of law and government in all local matters which concern not the nation at large."

Of like character were the immunities and rights wrested from Feudalism by the cities of the middle ages. These cities of the past were the conservatories of science and art, the abodes of industry and the nurseries of political, moral and religious freedom, and to them we are indebted for the principles of constitutional liberty and a knowledge of the practical methods of government so useful in the administration of our municipal affairs.

The cities of England obtained the right of local self-government about the beginning of the thirteenth century, and their growth in population and wealth kept pace with their independence and freedom from the exactions of the Crown. Their political importance likewise increased as their political power was augmented, and we find them graciously favored by kings and parliaments, in the latter having a representative of their own election. With enlarged privileges and greater prosperity, however, there grew up intolerable abuses, and measures had to be taken to restore them to their original design as institutions for local government to be controlled by those interested, and not by a favored few whose only concern in their management was to accumulate fortune. It was manifest that these corporations had outlived their usefulness, and became a positive evil. All their powers were exceeded; they arrogated to themselves others never conferred; their councils were self-elected and chosen for life, and their legislation had no sympathy with and never reflected the wishes of the citizens whose rights and property it was to affect. Mal-administration was the rule rather than the exception in their management; property was wasted; money thoughtlessly and extravagantly expended; the officers were the creatures of their irresponsible counsels, and looked to them and not the people for continuance of favor, and every form of corruption, peculation and

fraud were the product of a system which was originally inspired by a love of freedom, a desire for equal and exact justice, and a conviction that this local or home rule would best conserve the rights and property of citizens. So flagrant had abuses become in the administration of these cities that in 1835 the English Government appointed a commission of inquiry to investigate the condition of her municipal corporations, and upon the report of this commission, which was a painful recital of mal-administration, extravagance, misapplication of revenues, corruption and favoritism, a law was enacted, under the provisions of which these corporations were made to conform to certain uniform regulations, and their powers restricted to the legitimate and useful purposes for which they were created. Our cities, counties and towns are similar to the subdivisions that for centuries have existed in England, and form a system, which, in the language of a learned American jurist, "seems a part of the very nature of the race to which we belong;" and upon this very point an eminent foreign writer, having in view our Republic, significantly says: "Local assemblies of citizens constitute the strength of free nations. Municipal institutions are to liberty what primary schools are to science; they bring it within people's reach; they teach men how to use and enjoy it; a nation may establish a system of free government, but without the spirit of municipal institutions it cannot have the spirit of liberty." It is the genius of our institutions to bring the agencies of government as near as possible to the governed, and municipal corporations are the instrumentalities by which this intention is most effectually subserved. Our cities, counties, towns, road and school districts exercise powers of local control, and it is a favorite theory of our political system that those who are immediately and directly interested will be more likely to administer their affairs with intelligence

and economy than a central government at a distance, and upon this theory the States have been divested of almost all authority over their municipalities, upon which latter have been conferred most of the agencies by which the government is brought into direct contact with the people. In the distribution of power these corporations having received the potential share in regulating the concerns of a large portion of our people, and their health, comfort, enlightenment and prosperity must depend, therefore, in a great measure upon the wisdom and justice of this local rule.

Until a recent period the municipalities of the country enjoyed and deserved the confidence and favor of our people. They were simple in their constitutions, economical in their expenditures, in the main admirably governed, with men of intelligence, experience, character and property in their councils, who deemed it an honor, without compensation, to assist in their administration, and as the public improvements were limited and only what were necessary, the temptations to avarice and corruption were few, and speculation and fraud unknown. To-day it is humiliating to observe the cities of the United States expose our intelligence and civilization to reproach and compared with the malversation and misgovernment of some of them, the mal-administration of the English cities in 1835 seems respectable. In the management of a few of them justice has simply been mocked, taxation meant confiscation, and debts were accumulated with such rapidity that the annual interest thereon is now greater than was the whole tax levy for all corporate purposes fifteen years ago. The aggregate of the debts of the cities of the United States, according to competent authority, reaches the enormous sum of seven hundred and sixty-nine millions, and this amount is believed to be rather under than above the actual indebtedness. Is it strange that the annual tax levy, instead

of being a few mills, now averages in our most important cities two and a half per centum upon the assessed value of property? It is with reasonable apprehension, therefore, that the people are earnestly addressing themselves to the study of the causes of this evil, and the conviction is becoming wide-spread that some remedy must be provided that will go to its very core and work a radical cure.

A tendency to extravagance began to manifest itself in this country in 1867, and was exhibited most conspicuously in the innumerable propositions for public improvement of every conceivable kind. Magnificent parks, extensive water works, splendid city buildings, wide streets, with new and improved pavements, are some of the projects upon which lavish expenditures were made. In the frequent and immense outlays of moneys thus authorized, numerous avenues for fraud and speculation were opened, and officers connected with the disbursement of these great amounts, suddenly grew rich, and having, by reason of their control of these expenditures, scores of adherents, they soon became the arbiters of the taxation of these cities. Irresponsible themselves, they aimed to secure the election of irresponsible men to city councils, that their corrupt practices might have the forms of law, and emboldened by impunity and the supineness of respectable citizens, they endeavored to control, and it is alleged in some municipalities did corrupt the channels of justice and shaped its decrees to suit their nefarious ends.

Our cities formerly had but few wants; their charters were simple in their provisions, easily understood, and conferred all the powers necessary for local government. Within the last few years, however, every department of local government from the great city to the small school district, has been constantly applying to the State Legislature for extensions of author-



ity. The rights of taxation and appropriating private property for public use, are extraordinary powers that no government should delegate, except in cases of absolute public need, and the use of power should be limited by the necessity that invokes its exercise, and yet the Legislatures of the various States, in the last few years, have scattered these extraordinary powers broadcast over the land, and in the hands of inconsiderate and irresponsible men, they have been made, under the specious plea of public improvements, the engines of oppression and robbery. Many of the burdens our people have to bear, have been created by the vicious habit of issuing bonds at high rates of interest for contemplated improvements. Multitudinous national, state, city, county, ward and school bonds have been issued, the smaller imitating the larger local interests in making these drafts on posterity at rates of interest ranging from four and a half to ten per centum per annum, and the payment of the interest on these bonds, and of the bonds themselves, as they mature, necessitates an annual taxation that is oppressive, and a constant drain upon industry and enterprise. The contrast afforded by a comparison of the government of the Commonwealth of Pennsylvania with the government of her cities is curious and instructive. Twenty-five years ago a like spirit of extravagance and mania for public improvements prevailed throughout the State, and her policy was marked by tremendous outlays in behalf of canals and other public works, and was the parent of a debt of forty millions of dollars, and of the corruptions and evil practices that aroused the people to the extraordinary effort which resulted in the constitutional amendment prohibiting an increase of the public debt, and providing a sinking fund for the payment of the interest, and an annual reduction of the principal. How different and gratifying is the spectacle to-day.

With a yearly income scarcely exceeding six millions of dollars, and a State with four millions of inhabitants, the taxes have recently been decreased and annually a large portion of the debt paid off, so that now the indebtedness amounts to but twenty-three millions of dollars. Of the revenues for some years past, two million five hundred thousand dollars have been allotted to the payment of interest and the reduction of the public debt, leaving three millions and a half to be devoted to the payment of the expenses of the government, which include provision for our magnificent system of charities and schools, upon the latter of which alone, common and soldiers' orphans, one million five hundred thousand dollars are expended each year. The debts of our municipalities, on the contrary, have been increasing enormously, and apart from the public improvements for which a large bonded indebtedness has been created, the expenses of our cities and towns have been growing actually with a pace that seems out of all proportions with their necessities. One source of this additional expense is the increased number of officials. The powers of government are too diversified, and require too much machinery. That mechanism is the best which contains the fewest parts, and governments are not exempt from this law.

The deplorable condition of some cities that are overburdened with debt and with public improvements unfinished, that must be completed, is the result largely of the undue and strained assistance accorded to these municipalities by the State governments. Legislatures voted them the largest possible grants of power, Executives approved them, and the judiciary in some of the States have sustained every grant of power to tax, where the amount to be raised was to be dedicated to a public improvement, even if the benefit was remote and contingent, as in the construction of rail-

ways, at a distance from a city to divert trade to its marts and other like projects. A well known and able writer asserts, that our cities are the prey of jobbers, and the curse and puzzle of our civilization, and that is more the result of the system than the fault of the city officials. Honest men cannot be made by legislation, but to the power for evil of those who are dishonest or careless a limit can and should be fixed. The principal source of abuse is not in the disposition to do wrong, but in the license to speculate and plunder. It is the power to do that which is done and not those who do it, wherein we must find the evil. Displace those in the present local legislatures, and others will take their positions who will soon be given to like practices.

We must not forget that there is a grave difference between the conscience of the individual and the public conscience. A man will hesitate, unless he is thoroughly dishonest, before he takes advantage of his neighbor, but the same man will not scruple a moment when his approval is asked for a project, which, under the guise of a public improvement, is to despoil the whole community of a part of its property. Again, it is an admitted fact that every public enterprise always costs more, and sometimes twice as much as a private one, and the cost to administer the several departments in our cities is a striking illustration of this truth.

Is there any good reason why the cost of the management of these departments should in some instances be four or five times in excess of the amount paid fifteen years ago, while compared therewith the increase of population and appreciation of property has been merely nominal.

Does the indifference and inertness with which this subject of the government of cities has been heretofore regarded, forbid the hope that there can be unanimity

of sentiment among citizens to devise and enforce measures that will emancipate our cities from the inevitable consequences of these reckless expenditures, or will they await until their property is irremediably mortgaged, and their honor and fair fame smutched with the stains of bankruptcy. The immunity from criticism and investigation which these schemes for public improvements enjoy, gives encouragement and protection to every invention of fraud and plunder, and people who are taxed and who supinely submit year after year to these exactions, are to a great extent responsible therefor.

The bulk of the taxation in our great cities falls upon the property holders; the mass of the citizens do not feel its burdens, and are unconcerned about the public expenditure or rejoice thereat and approve them when they minister to their enjoyment, as do the parks, or add to their protection and benefits, as do the police and schools. This mass of citizens forgetful of that cardinal principle of our institutions, "that those must vote the tax who pay it," control the elections and send men to the municipal Legislatures, who, like themselves, frequently bear none of the public burdens, and are consequently improvident and wasteful. A large portion of our population is therefore taxed without representation, for no sane man will contend that this sort of representation is the right for which our fathers waved a seven years' war with England. Can laboring men believe that persistence in this policy will not work them serious and permanent injury? Does it require much foresight to see that this appropriation of private property by means of taxation, will drive manufactures, trade and wealth from our cities to more congenial localities? Capital and enterprise will seek channels where the fullest freedom and the greatest profits can be obtained, and it is suicidal thus to dry up the very sources of our prosperity.

This sketch of the municipalities of other countries and our own will, I hope, serve to show how essential they are to republican institutions and how liable they are to abuse, and admonishes us that the question of their government is a delicate one, the consideration of which should be approached with the greatest caution.

We must take care that our efforts to mitigate the evils we feel do not beget others equally oppressive, and we will thus have change without benefit. Fortunately, the charters of municipal, unlike other corporations, are subject to alteration by the Legislature, and that body can amend them at pleasure. In view of the importance of the proper regulation of our cities, because of the vital relations they sustain to the trades and manufactures of our most thriving communities, and the welfare and happiness of their citizens, I recommend that the Legislature authorize the appointment of a commission of experienced persons to examine into the condition of our municipalities and prepare such legislation for the consideration of the Legislature as will, in their opinion, meet the abuses sought to be remedied. It is my candid opinion that all the legislation upon the statute books referring to municipalities should be repealed and a comprehensive and uniform code enacted, the main features of which will not be the subject of perennial alteration.

Appended to this message will be found a detailed statement of the debts of a number of prominent cities of the country in 1867 and 1875, which affords a striking contrast and is an instructive context to the discussion herein made. The table also shows the cost of the several departments of these city governments and is a valuable help to a proper understanding of the expenditures of the various cities named. The materials for the statement were kindly furnished by the authorities of the several cities.

## CENTENNIAL.

Whatever misgivings have hitherto possessed the public mind about the success of the Centennial are now happily dissipated, and it is evident the country has awakened to the conviction that the exhibition instead of being merely local, with which character the indifferent and distrustful would have invested it, will transcend in dignity and magnitude any of the expositions that have preceded it in Europe.

It becomes Pennsylvania, therefore, to bestir herself and strive to have a full representation of her resources and industries on exhibition. The Commonwealth has made vast contributions of means, and the energies of many of her best citizens have been ceaselessly devoted to the promotion of the enterprise, and she will be false to her best interests if the display she makes is not creditable to her people and in keeping with her position among the States. Every city, town, county and township that has a product, whether of the soil or manufacture, should take care that it has a place in the exhibition. Our mineral resources should all be shown, and our iron, oil, coke, lumber, railroad, ship building, and all manufacturing interests should be fitly represented. Every beneficial, trade and commercial association should have charts or designs to show their purposes or benefits. The collections of scientific and art societies should be exhibited, and our penal and reformatory institutions, and those of charity, beneficence and learning, should in some manner illustrate their management. Opportunities should be afforded to study our forms of government, public and private improvements in buildings, churches, bridges, water, gas and other works, and every means and facility furnished to the stranger to become acquainted with the character, extent and variety of our products and the advantages of our State as a place of residence and a field for enterprise.

To make this display will require constant and unremitting work on the part of individuals, firms and companies during the short time that remains before the exhibition opens, and public and private liberality should combine to effect this object. In conformity with an act passed at your last session, the Executive appointed a commission of gentlemen to be entrusted with the superintendence and collection of the exhibition which Pennsylvania shall make at the Centennial. To perform this duty it is obvious they must have financial aid, and when we consider how vast and multiform must be its labors, and the short time left to discharge the same, the sum allowed to defray the expenses should be liberal and commensurate with the important share the Commonwealth has taken in this great National enterprise. The character of the gentlemen who were appointed is a surety that the exhibition of the State will be all that zeal and fidelity to its interests can make it, if means are afforded them to fulfill the purposes of their appointment, and I recommend that an appropriation therefor be made at once.

In this connection it is proper your attention should be invited to the necessity of making provision for the transportation and encampment of the military of the State at some period of the exhibition, so that suitable display may be made of this branch of the public service. Several of the States are making extensive preparations in this direction, and the military feature of the exhibition promises to be creditable to the volunteer system of the country. The various commands throughout the Commonwealth are perfecting themselves in drill and discipline, with a view to this encampment, and I feel assured the appearance and bearing of our soldiers will reflect honor upon our State. The troops from this State will probably be encamped for a period of ten days or two weeks in

the vicinity of the exhibition, to serve without pay and supply their own rations, but through the proper authorities they ask that the State will furnish them with transportation to and from the exhibition, and provide shelter for them while in camp. When we consider what little compensation the National Guard receives for its services, this reasonable request of the commands that will muster, numbering perhaps eight thousand men, will, I am confident, meet with your favor.

#### INSANE.

It is apparent to the most casual observer that the hospitals for the care of the insane in this State are insufficient for the public necessities. It is repeatedly asserted that insanity is increasing in our midst, and without doubt there are many unfortunates of this class in prisons or poor houses, and homes of poverty, who are now incurable, who, could they have received proper treatment, might have been restored to reason and society. From the beneficence and charity of the State can there be evolved no plan that will take charge of these poor creatures and place them under the supervision of those who are skilled in the treatment of the disease and can perhaps arrest its progress before its victims have become hopelessly demented. The hospitals at Dixmont and Warren will doubtless be able for the next few years to accommodate all the insane of the western and north-western portions of the State. Those at Harrisburg and Danville will supply the wants of the same class in the central and north-eastern sections. There remain then the large and populous counties of the east, including Philadelphia, with over one-fourth of the whole population of the Commonwealth, without hospital accommodations for the insane other than those provided by their almshouses and prisons. In the Philadelphia almshouse



alone twelve hundred of the inmates are insane, and its crowded wards, made necessary by the limited accommodations, aggravate instead of relieving their malady. Contentment and cheerfulness are essential to promote the recovery of these patients. Is recovery possible and can there be any enlightened or scientific treatment under such conditions? No hospitals that the State could construct would afford accommodations for all these helpless creatures. Most of them are incurably insane, and no course of treatment, be it ever so humane or skilful, could alleviate their misery. There are, however, many inmates of this almshouse, who if they had been properly treated in the first stages of their affliction, might have been rescued from the deplorable madness that shuts them out from all hope. Constrained to associate with and constantly look upon insanity in every conceivable form, it was not strange that the little intelligence that still flickered in their minds went out in utter darkness, never to be rekindled. It is for this class who have recently been stricken with the disease and for whose recovery reasonable hope may be entertained, that a convenient hospital should be built, where the insane of Philadelphia and the adjoining counties could be treated upon scientific principles and wherein the accommodations would be ample. The construction of the hospital at Warren has progressed so far as the appropriation made in its behalf would permit. This hospital was one among various institutions of the State that suffered by the failure of the appropriations to charities at your last session. I sincerely trust that suitable provision will be made at this session for the vigorous prosecution of the work upon this hospital to its completion, as there is a pressing need for the accommodation it will supply.

The recommendations of the commission to inquire into the condition of the criminal insane of the State,

embodied in their report made to your honorable bodies at its last session, are worthy of your respectful attention. Several of the gentlemen whose names are appended to this report, are scientific physicians, who have had a varied and extended experience in the treatment of the insane, while the others are gentlemen of culture, who have given to the problem careful and continued investigation, and the opinions of this commission therefore upon this important question, should commend themselves to you, as the best possible views that could be obtained upon the subject within the State.

#### LAWLESSNESS.

It again becomes my painful duty to direct your attention to the lawless disposition that exists in portions of the Commonwealth, where tumult and riot at times have been so formidable, that the Executive power of the State had to be invoked to quell the disturbances. These turbulent manifestations are becoming alarmingly frequent, and to repress them some remedy must be devised. That the attitude of the Executive towards the participants therein, may not be mistaken, the following plain and easily comprehended principles are grouped together to show what will be the rule of his conduct on the occasion of every outbreak of a kindred nature. No disobedience of regularly constituted authority will be permitted, whether on the part of individuals, corporations or combinations of men. No sense of wrong, however grievous, will or shall justify violence in seeking indemnity therefor. The rights of property must be respected, and no interference with its legitimate use will be tolerated. Every man must be allowed to sell his own labor at his own price, and his working must not be interrupted either by force or intimidation. For grievances, fancied or real, redress must be sought in the

manner the law provides, and no one must attempt to override its process. If citizens will recognize these principles as binding upon their consciences and actions, there can be no necessity for Executive interference to preserve the peace, and it must be understood, once for all, that any violation of private rights or resistance to public officers when in discharge of their duty, will be summarily dealt with, and if the civil authorities and the power of the county cannot maintain the supremacy of the law, then the whole power of the Commonwealth shall be employed, if necessary, to compel respect for authority. Again, it is evident a recurrence of these disorders cannot be prevented by the use of a military force, for upon the withdrawal of troops, the turbulent feeling still exists, and there is no security against similar and repeated outbreaks. One of the main sources of the evil has its origin in the timidity or unwillingness of the local authorities to enforce the law, and their duties should be defined anew, and penalties imposed that would compel their performance. These tumults are not resistless, and officers or spirit who know they have the whole power of the Commonwealth, if needs be, to support them, can have no reasonable doubt of their ability, to repress every form of violence, and if in the face of a local disturbance, they fail to discharge their duty they should be made to feel the full responsibility of their neglect and cowardice. Mobs, too, are sentient bodies. They know they cannot successfully contend with the combined power of the State, and if the energy of an officer evinces a determination to act promptly and resolutely for the preservation of order, rioters will quickly abandon their unlawful designs. Moreover, men who engage in these riots are voters, and the tenure of the offices of those in authority depend in a large measure upon the good will of these turbulent electors, and it is difficult to find an officer

who will fearlessly and fully perform what he is legally required to do. He falters with his duty until the tumult assumes proportions that threaten the peace and security of the whole community, and then, unable to quell the disturbance, petitions for the aid of the military, and the State is subjected to enormous expense to subdue an insurrection that the ordinary police force of the county could readily have suppressed at its inception.

The local officers likewise allege their inability to repress this turbulent spirit, because citizens when summoned refuse to assist them. Citizens fear to incur the enmity of the rioters, and unless the penalties that attach to their failure to assist the officers are inflicted, it is idle to expect them to perform this ungracious and it may be perilous duty. Thus we have in these communities where this mob rule most prevails an unhealthy moral public sentiment, that in the event of a disturbance permits the officer to neglect his duty, refuses itself to uphold the law, and when an offender is arrested, connives at the fraud that packs the jury-box with his sympathizers and friends, making a mockery of justice, and bringing the State and its authority into merited reproach. Through what agency can we prevent a return of these disorders, make the local officers and citizens more vigilant and active, and dissuade them from looking and applying to the Executive upon every occasion of an alarm or tumult are questions to which I have given patient and anxious thought, and the following plan will, I believe, afford a practical test of the disposition and ability of a county to enforce the law and maintain order within its limits. I recommend the enactment of a law empowering the sheriff, whenever a riot or disorder is imminent, to apply to the court of his county, and upon the sworn certificate of said sheriff that said riot or disorder is threatening, then the said court to

authorize the sheriff to organize a constabulary force sufficient to quell the disturbance, and to maintain them under his direction and control until there is no longer need for their services. The force so mustered should be paid and subsisted by the county, while on duty, and armed by the State. A tumult arising, the sheriff would then have an armed, paid and subsisted force to aid him in preserving order and enforcing the process of the courts, without taking citizens suddenly from their daily vocations and perhaps involving them in injury and loss. This armed body of men would also form a nucleus around which the law abiding citizens could rally when the disturbance assumed more dangerous proportions, and they would learn to depend upon themselves and their officers in every emergency. It is proper that the expense should be borne by that portion of the community especially benefitted, and the county should be made to bear these burdens, and if their officers are held to a strict accountability they will not be likely to incur the great responsibility of asking this assistance from the courts, unless the gravity of the situation justifies the demand.

This special home constabulary force might also be applied for and obtained from the courts on occasions when in certain regions of the State murder and arson are rife and a spirit of lawlessness prevails that does not take the shape of organized resistance to law.

The Attorney General should also be authorized, upon his own information, to indict any officer or citizen who failed to perform his duty, or party or parties who were engaged in riot or turbulence, and to change the venue and summon witnesses to any other county in the Commonwealth where a fair and impartial trial can be had. The large expenditures of public money almost annually incurred in the suppression of these riots, and the peace and good name of the State, alike demand of the Legislature a thorough investigation of

the causes of these disturbances, and their cure, if possible, by the application of some certain and, if necessary, severe remedies.

It has not escaped the observation of those whose duty it is to investigate the causes of these riots that those who became embroiled therein are often grievously wronged, and goaded to madness by what they conceive to be the injustice of the law, which seems to protect their employer and leaves them exposed to his caprice or avarice, resort to violence for redress. As the State can tolerate within its limits no authority superior to its own, and therefore can show no consideration for a combination that assumes the right to prevent men making any contract to work they please, so it cannot permit any corporation of corporations to unlawfully or oppressively use the powers conferred upon them by the State, to control production and the channels of trade, so as to raise or depress the price of labor or the cost of living. If any citizen, therefore, feels that he is wronged by the improper and unlawful exercise of the powers of these corporations, and lays his grievance before the Executive, if, upon investigation, it is found to be just, and a legal remedy exists therefor, he will instruct the Attorney General to see that this remedy is speedily and surely enforced.

There is no problem of State policy, the solution of which would be fraught with more advantage to our people, than to discover some means by which the differences between labor and capital can be adjusted. This solution can only be reached by slow approaches, for the sanctities of property, corporate or otherwise, cannot be rudely invaded by any ill-advised assault upon it, any more than should an undue support be given to bodies of laboring men who may be moved by an inconsiderate impulse, or under the direction of unprincipled leaders. This question of labor and capi-

tal has agitated the public mind for centuries, but it is none the less our duty for that reason to solve it, if we can, and especially to make some accommodation that will meet our necessities in this State. Does it not seem practicable to appoint a court of arbitration, composed of three or more of the judges of our courts, as many operators, and a like number of the representatives of the working men, to whom could be referred the disputes arising between employers and employes, so that at least a full, fair and impartial discussion could be had, and the public enlightened upon the merits of the controversy; and if there was no legal remedy, the force of public opinion would constrain the parties whose claims were arbitrated, to do justice to those who were wronged. May I not ask, in view of the immense interests involved, that you will consider the propriety of authorizing the appointment of such a court.

#### NATIONAL GUARD.

The pecuniary assistance extended by the State in the last two years to the National Guard, and the rigid inspections made of every company in the service, has wrought a wonderful improvement in the condition of the force, and justifies the belief that no body of citizen soldiery composed of men of finer physique and more conversant with their duties and discipline, will be present at the Centennial than the troops which Pennsylvania will muster there during the coming summer. Some commands are exceptionally good and have no superiors in the volunteer service of the country. At Boston, on the occasion of the celebration of the Centennial anniversary of the battle of Bunker Hill, the portion of the Pennsylvania Guard in the line of the parade elicited the warmest praise, not only from the vast concourse of people there assembled, but from the trained and experienced soldiers who reviewed the

troops. It is proper, too, that honorable mention should be made of the soldiery bearing of the troops sent to suppress the riots in the coal regions. No more unwelcome and distasteful or responsible duty could be assigned to soldiers than was this particular service. In cold and inclement weather, suddenly transferred from their comfortable homes to a wild and bleak region, where the opportunities for even shelter were meagre and the passions of the people were excited and inflamed, and life and property in peril, they performed their daily round of duty for several weeks, with a strict observance of the rights of property, and a delicate regard for the feelings of the citizens whose turbulence they were sent to suppress, and by their exemplary conduct quiet was restored without a resort to bloodshed. There is a disposition to under-estimate the services of the military, and decri all expenditure upon them as a useless outlay upon vain pomp and parade, but the maintenance of public order and the preservation of life, which were the results of the prompt, courteous and manly deportment of the soldiers sent to the coal regions, merit the thanks of the Commonwealth, and the Executive, whose arm they strengthened in his attempt to uphold the law, would be ungrateful if he did not make public recognition of their valuable services.

In my annual message of 1874, I recommended the removal of the old arsenal situated on the Capitol grounds and the purchase of a new site and the erection of an arsenal thereon. The Legislature accorded with the views of this recommendation and the necessary authority was given. The new arsenal, which is in a beautiful and available location, has been completed, and is a handsome structure, admirably adapted to the uses for which it is intended, and with a capacity equal to any military necessity for which the State may require it.



## INSURANCE.

The operations of the Insurance Department have entirely justified the wisdom of its establishment. It has been in existence less than three years, and during that time has rendered valuable services to the community by exposing and destroying fraudulent companies, strengthening those that were weak and systematizing the entire insurance business of the State. The annual reports of this department, showing the condition at the close of each year, of the several companies authorized to do business in the State, enable the insured to form an intelligent estimate of their character and are valuable contributions to our statistics. The laws of this State providing for the creation and regulation of insurance companies are defective and inadequate, and the attention of the Legislature has, on several occasions, been directed to the importance of their thorough revision, but the subject has not received that consideration which its importance demands. Beside providing a system to promote the formation of honest and substantial companies, and prevent speculative and fraudulent organizations, the powers and duties of receivers of companies dissolved by the courts and equitable distribution of their assets should be prescribed by law. Until our insurance laws are improved and systematized, the beneficial operations of the department must be necessarily limited and circumscribed.

## GEOLOGICAL SURVEY.

A report of the Commission entrusted with the Geological Survey of the State will be submitted to the Legislature, and I respectfully ask your thoughtful attention to the detailed statements of the progress of this important work, and the practical suggestions to insure the successful prosecution of the labors of the

Survey. Investigation will discover that rigid economy has been practiced in its every department, and no attention given to any work but that which was practical and legitimate, and to the immediate publication of its results in a useful and reliable shape. Our quota of the amount appropriated by Congress to make a trigonometrical survey of the several States, under the auspices of the United States Coast Survey, is insufficient to make that of this State complete, and the recommendation of the report of the State Commission, that four thousand dollars be appropriated to supplement the work of the United States Coast Survey is worthy of your serious attention. This course has been adopted by other States with satisfactory results.

The propriety of having a full representation of our mineral resources at the Centennial, need only be suggested to impress you with its importance, and the plan proposed by the Commission to make a proper and creditable display, will, I feel assured, meet with your favor and support.

#### FISH.

It is to be regretted that the labors of the Fish Commissioners have been, in some respects, almost fruitless, because the Legislature has left them to their unaided exertions to procure protection to the fish, while the various processes for supplying our rivers are on trial. If authority is not given to the commissioners to control the streams while their experiments are in progress, it is manifestly unwise to continue the work, however important or promising of great results it might be. It is too late to discuss the practicability of restocking rivers with fish, for that question has been absolved from doubt and its feasibility demonstrated in other States and countries where streams have been refilled with abundant supplies of choice

fish of various kinds. Are we not then indifferent to an unfailing source of cheap food when we neglect the manifold opportunities for fish culture in this State, and is it not proper that we should make some efficient and systematic effort in this direction, or else forego all spasmodic endeavors that are practically useless and afford us no enlightenment upon this important subject. I trust, however, that past legislation in this behalf will be supplemented with whatever is necessary to make a sufficient test of fish culture in Pennsylvania.

I transmit herewith a communication, received through the State Department at Washington, from the British Minister, wherein he states "that regulations have been adopted in Canada to protect and promote the increase of fish frequenting in common the frontier waters of this country and the Dominion, and suggests the importance of kindred legislation on the part of the State of Pennsylvania," to which I ask your attention.

#### BOARD OF PUBLIC CHARITIES.

The public service has sustained a severe loss in the resignation of Hon. George L. Harrison, the able and efficient president of the Board of Public Charities. The broad and humane views of Mr. Harrison, and the unremitting zeal and energy with which he devoted himself to the labors of the Board and the faithful administration of its responsible trusts, have won for him the esteem of our citizens, and were alike honorable to himself and useful to the public. The vacancy in the Board was filled by the election of the Hon. G. Dawson Coleman, whose experience and charitable disposition eminently fit him for its duties, and give assurance that neither the interests of humanity or the public will be overlooked in the supervision that the Board will continue to make of the various insti-

tutions of the State. Observation shows that the investigations of the Board have been productive of great good in securing for many unfortunates more considerate treatment and the correction of some flagrant abuses that existed in our jails and almshouses. The public spirit and humanity of the gentlemen of the Board, and their benevolent and disinterested labors, entitle them to the gratitude of our people, and should command for their suggestions our respectful consideration.

#### VAGRANCY.

The public is becoming seriously alarmed about the prevalence of vagrancy, and some measures should be taken to regulate and restrain this propensity to live by begging and in idleness. There are thousands of vagrants soliciting alms from day to day, who are unwilling to labor and are undeserving of sympathy, and whom it is a mistaken and misplaced charity to aid. The man whose suffering is real and is driven to common beggary to supply his wants, will not recoil from any proposition to work and earn his bread, however humble or arduous the labor to be performed. Would it not be well, therefore, to establish a registry to which all these vagrants or tramps should be made to resort, and where a record of their names, places of residence and appearance could be made, and where upon application, if they were in absolute want, they could be assigned to some work upon the streets or roads, or some other necessary employment, in compensation for the assistance they might receive. A failure to report to this registry and an application to a residence for alms, should subject the applicant to an imprisonment. Some restriction of this kind must be imposed upon this beggar class, not only to abate what is fast becoming an intolerable nuisance, but

to distinguish between the deserving and undeserving poor, and as recent events have shown for the protection of life and property.

#### PRISONS.

The inspectors of the Eastern Penitentiary will address a communication to the Legislature in regard to the overcrowded condition of the institution in their charge, and the character of these gentlemen and their familiarity with the various methods of prison discipline, together with the necessity of making some provision for this excess of prisoners in the Eastern Penitentiary, will, I am confident, obtain consideration for their opinions and suggestions.

#### COLONIAL RECORDS.

The publication of the Second Series of Pennsylvania Archives, authorized by act of May 13th, 1874, has been carried forward to the completion of two volumes—the first and third of the series. The second, which will embrace such of the rolls as are extant, and memoranda of the officers and soldiers from Pennsylvania, who served in the Revolutionary war, has been delayed that it may be rendered more authentic by compilation of such records as may be found in the Department of State and Pension Office at Washington, and in the archives or historical societies. The building containing the War Office at Washington was burned with all its records, by an accidental fire which occurred November 8, 1800. Consequently the records which remained in the office of the Secretary are the only authentic memorial of the Pennsylvania soldiers who participated in every battle of the Revolution from the time they entered the trenches in front of Boston, in July, 1777, including the night attack at Sharon, Georgia, May 24, 1782, until July, 1783, when the last Pennsylvania troops embarked on transports at James

Island, South Carolina, for Philadelphia. The materials for one volume embracing the documents relating to the "Whisky Insurrection," are ready for the printer, and considerable progress made in preparing remaining papers, of which the act authorizes the publication. The series can probably be restricted to six volumes.

#### SALARIES FOR COUNTY OFFICERS.

By the provisions of section 5 of the 14th article of the new Constitution, "in counties containing over one hundred and fifty thousand inhabitants, all county officers shall be paid by salary, and the salary of any such officer and his clerks heretofore paid by fees shall not exceed the aggregate amount of fees earned during his term and collected by or for him."

The Legislature passed a bill at the session of 1874 to make the law conform to this requirement, but as some of its provisions were at variance with the Constitution, it did not receive Executive approval. It is to be hoped that at this session of the Legislature an act to meet the objections will be framed and become a law. There is grave and reasonable complaint made about the enormous amounts received in fees by the occupants of some of the offices in our larger cities, and it is time these revenues should be diverted into the coffers of the people, and not be made to enrich the few whose fortune it may be to possess them. The contest for these offices, on account of their emoluments, are, moreover, a fruitful source of the evils that attend upon nominations and elections, and have a tendency to degrade and demoralize our politics. It is the part of wisdom and economy, therefore, and in the interest of good government that a change in this regard should be speedily made. In any measure you may adopt, however, it should be remembered that these offices are trusts of great responsibility, and that the salaries paid should be commensurate with the duties and accountability of the incumbents.

## POLL-TAX.

Under existing laws, many of the counties, cities and towns of the State, impose a tax upon trades, occupations and professions, the payment of which is necessary before a voter can exercise his elective franchise. In other portions of the State, this tax is so light that it is only a nominal qualification of the rights of the elector. This inequality is palpably unjust, and the tax is often burdensome, and small as it may be, frequently prevents a laboring man from going to the polls. There is no good reason why the right of suffrage in one county should be attended with greater burdens than in another, and on the contrary, there seems great injustice in such a regulation. I renew therefore my suggestion of last year, that all the laws imposing taxes on trades, occupations and professions be repealed, and that a uniform poll-tax be imposed, and that this tax be made so reasonable, that its payment will be within the ability of every man in the State.

## BOUNDARY LINES.

The New York Legislature, by an act passed May 26, 1875, authorized the Regents of the University of New York, to resume the work of examination as to the true location of the monuments which mark the several boundaries of the State, and in connection with the authorities of Pennsylvania, to replace any monuments which have become dilapidated or been removed on the boundary line of the two States, and I respectfully recommend that authority be given to appoint commissioners to act in conjunction with those of New York, and that a suitable appropriation be made, so that the necessary steps can be taken to accomplish the very proper object indicated in the above act.

## BANKS.

My opinions in regard to the organization and management of banks, savings funds and trust companies, and the restrictions and safeguards that should be thrown around these institutions, were elaborately presented in my annual messages of 1874 and 1875, and have undergone no change, but have rather been confirmed by investigation and further consideration of the subject, which I am persuaded is one of the most important to which you can devote your attention.

I beg leave to renew, also, the several recommendations in my previous messages, in relation to the prevention of the willful and wanton destruction of our forests; the importance of a modification of the exemption law, so as to forbid a waiver of the exemption by the creditor; the manifest benefit of adopting some measures that will aid in the improvement or the navigation of the Ohio river; and the necessity of giving adequate power of investigation to the Bureau of Statistics, and opening every avenue of intelligence to its officers, so that the information which the Bureau is expected to supply to the public may be reliable and valuable.

## GEORGE W. WOODWARD.

George W. Woodward, Ex-Chief Justice of the Supreme Court of Pennsylvania, died while in Europe, in May last. The public services of Judge Woodward were singularly honorable and few pages of the history of the State will contain a more interesting recital than those which chronicle the life of this eminent jurist, whom the Commonwealth honored by repeated renewals of her confidence.

Judge Woodward had one of those strong, active, robust minds that wedded to its convictions is never subject to caprice, nor bends to opinion, however fiercely it storms, and his conduct as legislator, judge and



man shows his inflexible attachment to principle widely differing at times with his friends and constituents, but with an honest difference that had no selfish or sordid taint. He has constructed his own most enduring monument in the able and learned decisions he left to the bar, and the current of judicial opinions in Pennsylvania, will have a steadier flow because of the direction given it by his master mind.

#### HORACE BINNEY.

The length of life accorded to the venerable Horace Binney is seldom allotted to man, and still more rarely is it accompanied to a ripe old age with the vigor and graces of intellect that attended upon this great lawyer to the very close of his long and useful career. Avoiding public affairs except when duty or patriotism specially evoked his interference, the experience of Mr. Binney illustrated the power and beauty of an unblemished private life, and the independence, and it may almost be said grandeur, of an unbroken, distinguished and honorable career at the Bar. To this venerated jurist, who dedicated all his time and energy with singleness of purpose to the duties of his profession, the Bar of Philadelphia is indebted for an example that helped to give it the character and reputation it maintains, and it was fitting that its most respected leaders should bow with sorrow when in August last they followed to his grave this aged lawyer, whose mind has left its impress for almost a century in every step of the progress of jurisprudence in Pennsylvania.

#### SAMUEL E. DIMMICK.

In October last the mortal remains of the late Attorney General, Samuel E. Dimmick, were reverently laid in the little cemetery at Honesdale.

Three years ago the character, integrity and recog-

nized legal abilities of this lamented man designated him for the important position he filled with so much dignity and honor, and the full measure of popularity he enjoyed at the time of his death showed how satisfactorily he discharged its responsible duties.

Generous, manly and upright in all the relations of life, and administering his high office with a stern and uncompromising fidelity to the interests of the State, the deceased Attorney General tempered his decisions with so much benevolence and courtesy that it is difficult to say whether as man or official he was most beloved.

Of delicate health, and suffering from the affliction that resulted in his death, in response to what he believed a call to duty, Mr. Dimmick died while in attendance upon the Board of Pardons, where his merciful disposition and mature and correct judgment were invaluable helps in dispensing justice.

With the public grief that deplores his loss, I may be permitted to mingle my private sorrow, for while the State mourns for a just and incorruptible officer, the administration has been deprived of a careful and wise counselor, and the Executive of a disinterested and devoted friend.

#### CONCLUSION.

With the year upon which we have just entered the Republic has had a century of existence, a century wherein her foundations have been more solidly and securely laid, and which has been crowded with the evidences of her progress in science and the useful arts, filled with the proofs of her increased enlightenment, benevolence and humanity, and marked by many and durable proofs of her statesmanship and genius.

It is fitting, then, that our people should celebrate the centennial of the nation's birth, and testify their gratitude for the benefits we have received. With our

growth in wealth and population, however, we should remember increased responsibilities have come, and that we can best show our appreciation of our institutions and their privileges by consecrating ourselves to the work of redeeming them from the ills that beset them and keeping them intact and pure for those who are to follow us.

The destiny of our great State may depend upon the direction we may give legislation at this session of the Assembly. Let us strive then to so shape our counsels that the verdict of posterity will be that we acted with a view to the prosperity of the people, and the honor and fair fame of the Commonwealth.

JOHN F. HARTRANFT.

Executive Chamber,  
Harrisburg, January 4, 1876.

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To the Senate Nominating Hiester Clymer a Commissioner of the Board of Public Charities.

Executive Chamber,  
Harrisburg, January 5, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Hon. Hiester Clymer, of Berks county, to be a commissioner of the Board of Public Charities, for the term of five years.

J. F. HARTRANFT.

To the Senate Nominating a Trustee of the State  
Lunatic Hospital.

Executive Chamber,  
Harrisburg, January 6, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John M. Pomeroy, of Franklin county, to be trustee of the Pennsylvania State Lunatic Hospital, at Harrisburg, for the term of three years.

J. F. HARTRANFT.

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To the Senate Nominating Trustees of the State Hos-  
pital for the Insane at Danville.

Executive Chamber,  
Harrisburg, Pa., January 10, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the State Hospital for the Insane at Danville, Pennsylvania, for the term of three years, viz: Benjamin H. Throop, Scranton, Pennsylvania; Charles S. Minor, Honesdale, Pennsylvania; Hugh Young, Wellsboro', Pennsylvania.

J. F. HARTRANFT.

To the Senate Nominating Trustees of the State  
Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, January 12, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen, to be trustees of the Pennsylvania State Lunatic Hospital for the Insane, at Harrisburg, Pa., for the term of three years, viz: Robert A. Lambertson, Harrisburg, Pa.; William Calder, Harrisburg, Pa.; Henry Gilbert, Harrisburg, Pa.

J. F. HARTRANFT.

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Inaugural Address to the Assembly.—1876.

Gentlemen of the Senate and House of Representatives  
and fellow citizens:

**T**HREE YEARS AGO, WHEN THE OATH OF OFFICE was administered to me as Executive, I took occasion to express the sense of my infinite obligations to the people of the State who had honored me with repeated proofs of their confidence and good opinion, and it would be unworthy affectation if I did not renew my acknowledgment to the same generous constituency, who, after a three years' stewardship of the highest office in their gift, have called me again to assume its important duties.

The continued favor and inflexible support my conduct of public affairs has received from the citizens of the Commonwealth, bespeak from me in return, the utmost zeal and fidelity in their service, and my highest ambition will be reached if my administration

will be reached as an honorable one that studied and provided for their best interests. I still have as exalted an opinion of the great trust you have conferred upon me as when first confronted with its novel and grave responsibilities, and despite the experience had, am none the less distrustful of my abilities to meet its requirements, but whatever may be my other deficiencies, I do not know what it is to be wanting in attachment to my State, or affection for her people who have distinguished me with so many obliging and conspicuous marks of partiality.

I am not unmindful that the welfare and progress of a State depend less upon its government and rulers than upon the habits and circumstances of its citizens, and that no measures of administration can produce any substantial good unless they are dictated by public opinion or are begotten of the public necessities. A people must be ripe for reform can work them no permanent benefit. Invention may exhaust itself in contrivances of public utility and rulers may be never so wise in their devices, but if the dispositions and intelligence of a people are unprepared for the reception of remedies that will take root in their affections or affairs.

Imbued with these convictions, the maxims for the conduct of my administration were easily formed. It was only necessary to resolve that its acts should have no selfish taint, that they should be colored by no personal predilections or warped by any favorite theories, and that inspired neither by fear nor favor they should aim to reflect the people's will. With the lights with which Heaven has endowed me I have striven to adhere to these maxims, and if any time I had failed to conform thereto it has not been from lack of patient investigation and honest exertions or of a tender and jealous regard for the honor of the State but from a misconception or misapprehension

of the wishes or needs of her people. In the future then, as in the past, as the Executive of the Commonwealth, I can have no interest to serve that is not her interest, and can embrace no doctrine or embark in any cause that will not advance the material prosperity and promote the enlightenment of her citizens.

My opinions upon the questions that effect the government of the State have been presented in my annual message and it is unnecessary to again refer to them.

When we look around us, gentlemen of the Legislature, how various, multiform and intricate are the interests of our great Commonwealth. Certainly it is a proud distinction to be chosen to administer the affairs of a State that has within her limits so many of the elements of empire, and it behooves us to see to it that neither its dignity or prosperity suffer through any fault of ours. Let us remit no effort that will enlarge the happiness or benefits of her citizens; let us be distinguished by loyalty to her interests, by a jealous care of her institutions, a liberal understanding of and provision for her necessities, by humane attention to the wants of her poor and afflicted, and enlightened treatment of her criminal classes, and by a tolerance of opinion, political and religious, so that when we are discharged of our trusts we can deliver them to our successors with the approval of our consciences, and let us hope, with a blessing of a grateful people.

With this renewal of my obligations as your Executive, I invite the earnest and active co-operation and counsel of all good citizens, and implore that my official acts may have the sanction of Divine Providence.

J. F. HARTRANFT.

To the Senate Nominating Henry Wilson an Associate Judge of the Court of Common Pleas for Wayne County.

Executive Chamber,  
Harrisburg, January 26, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry Wilson to be associate judge in and for the county of Wayne, until the first Monday of January 1877.

J. F. HARTRANFT.

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To the Senate Nominating James M'Mahan an Associate Judge of the Court of Common Pleas for Montour County.

Executive Chamber,  
Harrisburg, January 28, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James M'Mahan, to be associate judge in and for the county of Montour, until the first Monday in January, 1877.

J. F. HARTRANFT.



To the Senate Nominating General Officers of the  
National Guard.

Executive Chamber,  
Harrisburg, February 28, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen of the city of Philadelphia, to be officers of the National Guard of Pennsylvania, for the term of five years, viz: John P. Bankson, to be major general of the First division; Henry P. Muirheid, to be brigadier general of the First brigade, First division; Russel Thayer, to be brigadier general of the Second brigade, First division.

J. F. HARTRANFT.

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To the Senate Nominating Mahlon B. Dickinson a  
Commissioner of the Board of Public Charities.

Executive Chamber,  
Harrisburg, March 7, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Mahlon H. Dickinson, of the city of Philadelphia, to be a commissioner of the Board of Public Charities for the term of five years.

J. F. HARTRANFT.

To the Senate Nominating Joshua W. Jones Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, March 7, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Joshua W. Jones, of the county of Dauphin, to be Superintendent of Public Printing for the term of one year.

J. F. HARTRANFT.

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To the Senate Nominating Trustees of the Hospital for the Insane at Danville.

Executive Chamber,  
Harrisburg, March 7, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the Hospital for the Insane at Danville, Pennsylvania, for the term of three years, viz: W. H. Bradley, Timothy O. Van Allen, Danville, Pa.

J. F. HARTRANFT.

To the Senate Nominating a Major General of the  
National Guard.

Executive Chamber,  
Harrisburg, March 31, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John R. Dobson, of the county of Chester, to be major general of the Tenth division of the National Guard of Pennsylvania, for the term of five years.

J. F. HARTRANFT.

Proclamation Recommending the Observance, throughout the Commonwealth, of the Centennial Anniversary of Independence Day.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



Commonwealth.

**I**N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said

A PROCLAMATION.

Whereas, By a Joint Resolution of the Senate and House of Representatives of the United States of America in Congress assembled, approved the thirteenth day of March, Anno Domini one thousand eight hundred and seventy-six, it is recommended by the Senate and House of Representatives to the people of the several states



that they assemble in their several counties or towns on the approaching Centennial Anniversary of our National Independence, and that they cause to have delivered on such day an historical sketch of said county or town from its formation, and that a copy of said sketch may be filed, in print or manuscript, in the Clerk's office of said county, and an additional copy, in print or manuscript, be filed in the office of the Librarian of Congress, to the intent that a complete record may thus be obtained of the progress of our institutions during the First Centennial of their existence.

Now Therefore, I, John F. Hartranft, Governor as aforesaid, do hereby favorably commend this resolution to the people and the authorities of the various cities, counties and towns of this Commonwealth, with the request that wherever the observance of the incoming Anniversary of our National Independence will permit, provision may be made to comply with the recommendation contained therein, so that these historical sketches may be made to embrace all the information and statistics that can be obtained in relation to the first century of our existence as a Commonwealth.

Given under my Hand and the Great Seal of the State, at Harrisburg, this twenty-first day of April, in the year of our Lord one thousand eight hundred and seventy-six, and of the Commonwealth the one hundredth.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

To the Senate Nominating Associate Judges of the  
Courts of Common Pleas. -

Executive Chamber,  
Harrisburg, April 24, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be associate judges, in and for their respective counties, until the first Monday in January, 1877; viz: Joseph K. Whitmore, Elk county; M. G. Hughes, Columbia county.

J. F. HARTRANFT.

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To the Senate Nominating Members of the State  
Board of Centennial Managers.

Executive Chamber,  
Harrisburg, April 26, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be the State Board of Centennial Managers, in pursuance of an act, entitled "An Act to provide for the appointment of a State Board of Centennial Managers for the International Exhibition for the year 1876, and make appropriation to defray the expenses thereof, approved April 12, 1875," viz: Morton M'Michael, Philadelphia; John H. Shoenberger, Pittsburg, Foster W. Mitchell, Franklin; Andrew G. Curtin, Bellefonte; James A. M'Crea, Philadelphia, Pa.

J. F. HARTRANFT.

To the Senate Nominating George Lear Attorney  
General.

Executive Chamber,  
Harrisburg, April 27, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George Lear, of the county of Bucks, to be Attorney General of the Commonwealth of Pennsylvania.

J. F. HARTRANFT.

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To the Senate Nominating James P. Wickersham  
State Superintendent of Public Instruction.

Executive Chamber,  
Harrisburg, April 27, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James P. Wickersham, to be Superintendent of Public Instruction for the term of four years.

J. F. HARTRANFT.

To the Senate, Transmitting Certain Documents from the Secretary of War and Officers of the Army Concerning the Cession by the State of Jurisdiction over Certain Lands to the Federal Government.

Executive Chamber,  
Harrisburg, April 27, 1876.

Sir:—

I HAVE THE HONOR TO TRANSMIT HEREWITH copies of communications from the Honorable the Secretary of War, General A. A. Humphreys, chief of the corps of engineers, United States Army, and Major Wm. C. Merrill, engineer in chief of the improvements of the navigation of the Ohio river, calling attention to the necessity for legislation by the State of Pennsylvania to provide for the cession of jurisdiction over land within the limits of this State, required for the sites of locks and dams on the Ohio river in the prosecution of the work of improvement, and I earnestly ask the immediate attention of your honorable body thereto, that the necessary legislation may be had to prevent the recurrence of the delays and the embarrassments mentioned therein.

It is proper to observe that the States of Ohio and West Virginia through their legislatures have already made three cessions, and the failure of Pennsylvania to do so at this session of the General Assembly may occasion serious inconvenience and loss to the National Government.

J. F. HARTRANFT.

To the Senate Nominating James W. Latta Adjutant  
General with the Rank of Major General.

Executive Chamber,  
Harrisburg, April 27, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James W. Latta, of the city of Philadelphia, to be Adjutant General of the Commonwealth of Pennsylvania, with the rank of major general.

J. F. HARTRANFT.

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To the Senate Nominating Louis W. Read Surgeon  
General with the Rank of Brigadier General.

Executive Chamber,  
Harrisburg, April 27, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Louis W. Read, of the county of Montgomery, to be Surgeon General of the Commonwealth of Pennsylvania, with the rank of brigadier general.

J. F. HARTRANFT.



To the Senate Nominating Managers of the Western  
Pennsylvania Hospital for the Insane.

Gentlemen:—

Executive Chamber,  
Harrisburg, April 27, 1876.

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be managers of the Western Pennsylvania Hospital for the Insane, for the term of one year, viz: John Scott, Pittsburg, Allegheny county; D. H. M'Creary, Erie, Erie county; Charles E. Boyle, Uniontown, Fayette county.

J. F. HARTRANFT.

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To the Senate Nominating J. Montgomery Forster  
Insurance Commissioner.

Executive Chamber,  
Harrisburg, April 28, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. Montgomery Forster, of the county of Dauphin, to be Insurance Commissioner of Pennsylvania for the term of three years.

J. F. HARTRANFT.

To the Senate Nominating an Inspector General and  
a Judge Advocate General of the National Guard.

Executive Chamber,  
Harrisburg, May 4, 1876.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John D. Bertolette, of the county of Carbon, to be inspector general, and W. H. Yerks, of the city of Philadelphia, to be judge advocate general of the National Guard of Pennsylvania.

J. F. HARTRANFT.

Proclamation announcing that the Governor has Filed in the Office of the Secretary of the Commonwealth, with his Objections thereto, Certain Bills presented to him within Ten Days of the Final Adjournment of the Legislature.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



wealth.

**I**N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

A PROCLAMATION.



I, John F. Hartranft, Governor of the Commonwealth of Pennsylvania, have caused this proclamation to issue, and in compliance with the provisions of article IV, section 15, of the Constitution thereof, do hereby give notice that I have filed in the office of the Secre-

tary of the Commonwealth, with my objections thereto, the following bills passed by both houses of the General Assembly, viz:

Senate bill No. 35, entitled "An Act relating to the transfer of the loans of cities, boroughs, school districts and counties."

Senate bill No. 102, entitled "An Act repealing the act of seventeenth February, eighteen hundred and twenty, prohibiting horse racing, so far as the same relates to agricultural societies and certain other incorporated associations."

Senate bill No. 139, entitled "An Act to prohibit and prevent the having or using of fire and lights on board of vessels whilst lying at any maritime wharf, or near to which petroleum is stored or kept for export."

Senate bill No. 172, entitled "An Act repealing an act, passed April eighth, Anno Domini eighteen hundred and fifty-nine, transferring Somerset county from the Western to the Middle district for the Supreme Court of Pennsylvania."

Senate bill No. 227, entitled "A supplement to an act, entitled 'An Act to provide for the manner of increasing the capital stock and indebtedness of corporations,' approved the eighteenth day of April, one thousand eight hundred and seventy-four."

House bill No. 105, entitled "An Act to repeal an act, entitled 'A supplement to the several acts incorporating the city of Pittsburgh, enlarging its boundaries, et cetera,' approved the second day of April, Anno Domini eighteen hundred and seventy-two, as to the boroughs of Mount Washington and Union."

House bill No. 200, entitled "An Act to regulate the crossing of steam railroads by passenger railway cars at grade."

House bill No. 272, entitled "An Act to empower water companies and gas companies to merge their

corporate rights and franchises into other incorporated companies."

House bill No. 313, entitled "An Act appropriating the sum of twenty-five thousand dollars to the Jewish Hospital Association of Philadelphia for the purpose of erecting and furnishing a dispensary building."

House bill No. 325, entitled "An act making an appropriation for State Normal schools for the year beginning the first Monday in June, Anno Domini one thousand eight hundred and seventy-six."

House bill No. 328, entitled "An act making an appropriation for Normal schools for the current school year."

House bill No. 417, entitled "An Act to authorize and empower Morris W. Heston, his executors and administrators, to sell and dispose of a certain lot situate in Springfield township, Delaware county, State Pennsylvania."

House bill No. 433, entitled "An Act to reimburse John Guffey, Esquire, high sheriff of Westmoreland county, for expenses incurred by him in suppressing riots and protecting property in said county."

House bill No. 467, entitled "An Act supplementary to an act, entitled 'An Act supplementary to the acts relating to hawkers and peddlers, and regulating auctions in the county of Schuylkill,' extending the provisions of said act to the county of Fayette."

House bill No. 574, entitled "A further supplement to an act incorporating the city of Meadville, passed the fifteenth day of February, one thousand eight hundred and sixty-six, authorizing the city council to change the course of the stream called Mill run."

House bill No. 255, entitled "An Act for the better protection of fish in the bay and harbor of Erie, and its approaches."

House bill No. 277, entitled "An Act converting the marine hospital at Erie into a hospital for insane

criminals, and asking an appropriation to carry out the provisions of the same."

Given under my Hand and the Great Seal of the State, at Harrisburg this third day of June, in the year of our Lord, one thousand eight hundred and seventy-six, and of the Commonwealth the one hundredth.

J. F. HARTRANFT.

By the Governor.

M. S. Quay,  
Secretary of the Commonwealth.

Proclamation Recommending the Observance of "Pennsylvania Day" at the Centennial Exposition.

Pennsylvania, ss.



Commonwealth.

IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said

A PROCLAMATION.

Whereas, The United States Centennial Commission has invited the several States to assist in celebrating the International Exposition held in honor of the One Hundredth Anniversary of the Independence of the United States, by setting aside suitable days for the delivery of addresses illustrative of the growth and progress of the Original Colonies since 1776, and of their Sister States since their foundation, to the intent that the evidences of the progress of each State may be placed upon record in the beginning of the second century of the Republic.



Now therefore, I, JOHN F. HARTRANFT, Governor of Pennsylvania, having set apart Thursday, the 28th day of September, A. D. 1876, being the One Hundredth Anniversary of the adoption in Convention of the First Constitution of the State of Pennsylvania, do hereby recommend to the citizens and authorities of the Cities, Counties, Boroughs and Towns of the Commonwealth, that the said 28th day of September, A. D. 1876, be held and observed as a State Holiday, and that the municipal and county authorities take action for the public observance of the day, by inviting their people, by proclamation or otherwise, as to them shall seem most proper, to assemble at Philadelphia, to take part in the ceremonies of the day.

And I do hereby invite all citizens of Pennsylvania, and their descendants residing in other sections of the United States, and the citizens of other States now visiting or residing in the State, to be present and assist in making the day a memorable one in the annals of the Commonwealth.

Given under my Hand, and the Great Seal of the State, at Harrisburg, this Twelfth day of September, in the year of Our Lord one thousand eight hundred and seventy-six, and of the Commonwealth the one hundred and first.

J. F. HARTRANFT.

By the Governor.

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving.—1876.

Pennsylvania, ss.

[Signed] J. F. Hartranft.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

A PROCLAMATION.

Notwithstanding the present depression of business and the accompanying distress, the people of this country continue to enjoy manifold blessings and the more especially in the preservation of their institutions and liberties through the vicissitudes of a century and in the steadfast faith that the light of God's favor is only temporarily dimmed by the clouds that darken the country;

Now, therefore, I, JOHN F. HARTRANFT, Governor of Pennsylvania, Do recommend that the good people of this Commonwealth, laying aside all secular occupations, assemble together in their respective places of worship on Thursday, the Thirtieth day of November, one thousand eight hundred and seventy-six, being the same day set apart therefor by the President of the United States to give thanks to Almighty God for his continued kindness, and to merit by Prayer and Thankfulness the fulfilment of all reasonable hopes and the gratification of all just desires.

Given under my Hand and the Great Seal of the State at Harrisburg, this Thirty-first day of October, in the year of our Lord One thousand eight hundred and seventy-six, and of the Commonwealth the one hundred and first.

By the Governor.

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Election of W. H. Stanton as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss.



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

A PROCLAMATION.



Whereas, In and by the forty-second section of an act of the General Assembly of this Commonwealth, approved the second day of July, A. D. one thousand eight hundred and thirty-nine, entitled "An Act relating to the elections of this Commonwealth," it is provided that "when the returns of any special election for a member of the House of Representatives of the United States shall be received by the Secretary of the Commonwealth, the Governor shall declare by Proclamation the name of the person elected:"

And Whereas, The return of a special election held in the Twelfth Congressional District of this Commonwealth, consisting of all that portion of Luzerne county not included in the Eleventh Congressional District of this Commonwealth, on Tuesday, the seventh day of November, last past, under the authority of a writ issued in conformity with the provisions of the Constitution of the United States and the above recited act of the General Assembly, have been received by the Secretary of the Commonwealth, whereby it appears that W. H. Stanton was duly elected to serve as a Representative of the people of this State in the House of Representatives of the Forty-fourth Con-



gress of the United States, to supply the vacancy occasioned by the resignation of Hon. Winthrop W. Ketcham.

Now therefore, I, JOHN F. HARTRANFT, Governor as aforesaid, have issued this my proclamation, hereby publishing and declaring that the said W. H. Stanton was duly elected and chosen in the district before mentioned as a Representative of the people of this State in the House of Representatives of the said Forty-fourth Congress of the United States, in room of the Hon. Winthrop W. Ketcham, resigned.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Twenty-first day of November, in the year of our Lord one thousand eight hundred and seventy-six, and of the Commonwealth the one hundred and first.

J. F. HARTRANFT.

By the Governor.

M. S. Quay,  
Secretary of the Commonwealth.

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Proclamation of the Election of Electors of President  
and Vice President.—1876.

Pennsylvania, ss:



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

## A PROCLAMATION.



Whereas, In an by an act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Secretary of the Commonwealth, on receiving the returns of the election of Electors for President and Vice President of the United States, to lay them before the Governor, who shall enumerate and ascertain the number of votes given for each person voted for, and shall thereupon declare by Proclamation the names of the persons duly elected:

And Whereas, It appears from the returns, so laid before me by the Secretary of the Commonwealth, of the election held on Tuesday, the seventh day of November, one thousand eight hundred and seventy-six, that Benjamin Harris Brewster, John W. Chalfant, John Welsh, Henry Disston, Christian J. Hoffman, Charles Thompson Jones, Edwin H. Fitler, Joseph W. Barnard, Benjamin Smith, Jacob Knabb, John B. Warfel, Joseph Thomas, Ario Pardee, Lewis Pughe, Edward S. Silliman, William Calder, Miles L. Tracy, S. W. Starkweather, Daniel J. Morrell, Jeremiah Lyons, William Hay, William Cameron, J. B. Donley, Daniel O'Neill, William Neeb, Andrew B. Berger, Samuel M. Jackson, James Westerman and W. W. Wilbur received the greatest number of votes of the persons voted for as Electors of President and Vice President of the United States.

Now, therefore, I, JOHN F. HARTRANFT, Governor as aforesaid, in obedience to the requirements of the aforesaid act of the General Assembly, do hereby issue this my Proclamation, publishing and declaring that the said Benjamin Harris Brewster, John W. Chalfant, John Welsh, Henry Disston, Christian J.

Hoffman, Charles Thompson Jones, Edwin H. Fidler, Joseph W. Barnard, Benjamin Smith, Jacob Knabb, John B. Warfel, Joseph Thomas, Ario Pardee, Lewis Pughe, Edward S. Silliman, William Calder, Miles L. Tracy, S. W. Starkweather, Daniel J. Morrell, Jeremiah Lyons, William Hay, William Cameron, J. B. Donley, Daniel O'Neill, William Neeb, Andrew B. Berger, Samuel M. Jackson, James Westerman and W. W. Wilbur are the persons duly elected Electors of a President and Vice President of the United States, to serve at the election in that behalf to be held at the seat of government of this State (being the city of Harrisburg, in the county of Dauphin), on the first Wednesday of December next, being the sixth day of said month, agreeably to the said act of the General Assembly of this Commonwealth, and the Constitution and laws of the United States.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Twenty-first day of November, in the year of our Lord one thousand eight hundred and seventy-six, and of the Commonwealth the one hundred and first.

J. F. HARTRANFT.

By the Governor.

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress.—1876.

Pennsylvania, ss:



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

A PROCLAMATION.

Whereas, In and by an act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Governor, on the receipt of the returns of the election of members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by Proclamation the names of the persons returned as elected in the respective districts;

And Whereas, The returns of the general election held on Tuesday, the seventh day of November last past, for Representatives of the people of this State in the House of Representatives of the Congress of the United States, for the term of two years from the fourth day of March next have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act of the General Assembly, whereby it appears that in the First District, composed of the First, Second, Seventh, Twenty-sixth and Thirtieth wards of the city of Philadelphia, Chapman Freeman has been duly elected.

In the Second District, composed of the Eighth,



Ninth, Tenth, Thirteenth, Fourteenth and Twentieth wards of the city of Philadelphia, and that part of the Seventeenth ward lying west of Second street, that Charles O'Neill has been duly elected.

In the Third District, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth and Sixteenth wards of the city of Philadelphia, Samuel J. Randall has been duly elected.

In the Fourth District, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth wards of the city of Philadelphia, William D. Kelley has been duly elected.

In the Fifth District, composed of the Eighteenth, Nineteenth, Twenty-second, Twenty-third, Twenty-fifth and Thirty-first wards of the city of Philadelphia, and that part of the Seventeenth ward of said city lying east of Second street, Alfred C. Harmer has been duly elected.

In the Sixth District, composed of the counties of Chester and Delaware, William Ward has been duly elected.

In the Seventh District, composed of the county of Montgomery, and all that portion of Bucks county not included in the Tenth District, I. Newton Evans has been duly elected.

In the Eighth District, composed of the county of Berks, Hiester Clymer has been duly elected.

In the Ninth District, composed of the county of Lancaster, A. Herr Smith has been duly elected.

In the Tenth District, composed of the counties of Northampton and Lehigh, and the townships of Durham, Milford, Springfield, Richland, Rockhill, Nockamixon and Tinicum, and the borough of Quakertown, in the county of Bucks, Samuel A. Bridges has been duly elected.

In the Eleventh District, composed of the counties of Columbia, Montour, Carbon, Monroe, Pike, and the

townships of Nescopee, Black Creek, Sugar Loaf, Butler, Hazel, Foster, Bear Creek, Bucks, Roaring Brook, Salem, Hollenback, Huntingdon, Fairmount, Spring Brook, and that part of the city of Scranton south of Roaring Brook Creek and east of Lackawanna river, and the boroughs of Dunmore, New Columbus, Goldsboro, White Haven, Jeddo and Hazleton, in the county of Luzerne, Francis D. Collins has been duly elected.

In the Twelfth District, composed of all that part of Luzerne county not included in the Eleventh district, Hendrick B. Wright has been duly elected.

In the Thirteenth District, composed of the county of Schuylkill, James B. Reilly has been duly elected.

In the Fourteenth District, composed of the counties of Dauphin, Lebanon and Northumberland, John W. Killinger has been duly elected.

In the Fifteenth District, composed of the counties of Bradford, Susquehanna, Wayne and Wyoming, Edward Overton, Jr., has been duly elected.

In the Sixteenth District, composed of the counties of Tioga, Potter, McKean, Cameron, Lycoming and Sullivan, John I. Mitchell has been duly elected.

In the Seventeenth District, composed of the counties of Cambria, Bedford, Blair and Somerset, Jacob M. Campbell has been duly elected.

In the Eighteenth District, composed of the counties of Franklin, Fulton, Juniata, Huntingdon, Snyder and Perry, William S. Stenger has been duly elected.

In the Nineteenth District, composed of the counties of York, Adams and Cumberland, Levi Maish has been duly elected.

In the Twentieth District, composed of the counties of Union, Clinton, Clearfield, Elk, Mifflin and Centre, Levi A. Mackey has been duly elected.

In the Twenty-first District, composed of the counties of Westmoreland, Greene and Fayette, Jacob Turney has been duly elected.

In the Twenty-second District, composed of the city of Pittsburgh, and the townships of Chartiers, Union, Scott, Stowe, Robinson, Upper and Lower St. Clair, Baldwin, Wilkins, Penn, Snowden, Mifflin, Jefferson and Collier, and the boroughs of Braddock and West Elizabeth, in the county of Allegheny, Russell Errett has been duly elected.

In the Twenty-third District, composed of all that portion of Allegheny county not included in the Twenty-second District, Thomas M. Bayne has been duly elected.

In the Twenty-fourth District, composed of the counties of Washington, Beaver and Lawrence, William S. Shallenberger has been duly elected.

In the Twenty-fifth District, composed of the counties of Clarion, Armstrong, Indiana, Forest and Jefferson, Harry White has been duly elected.

In the Twenty-sixth District, composed of the counties of Butler, Mercer and Crawford, John M. Thompson has been duly elected.

In the Twenty-seventh District, composed of the counties of Erie, Warren and Venango, Lewis F. Watson has been duly elected.

Now, Therefore, I, JOHN F. HARTRANFT, Governor as aforesaid, have issued this my Proclamation, hereby publishing and declaring that Chapman Freeman, Charles O'Neill, Samuel J. Randall, William D. Kelley, Alfred C. Harmer, William Ward, I. Newton Evans, Hiester Clymer, A. Herr Smith, Samuel A. Bridges, Francis D. Collins, Hendrick B. Wright, James B. Reilly, John W. Killinger, Edward Overton, Jr., John I. Mitchell, Jacob M. Campbell, William S. Stenger, Levi Maish, Levi A. Mackey, Jacob Turney, Russell Errett, Thomas M. Bayne, William S. Shallenberger, Harry White, John M. Thompson and Lewis F. Watson have been returned as duly elected in the several districts before mentioned as representatives

of the people of this State in the House of Representatives of the Congress of the United States for the term of two years from the fourth day of March next.

Given under my Hand and the Great Seal of the State, at Harrisburg, this twenty-second day of November, in the year of our Lord one thousand eight hundred and seventy-six, and of the Commonwealth the one hundred and first.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,  
Secretary of the Commonwealth.

Proclamation of the Cancellation of Two Hundred and Fifty Four Thousand One Hundred and Eighty Seven Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas, By the third section of the Act of the General Assembly of this Commonwealth, approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight, entitled "An Act to establish a sinking fund for the payment of the public debt," and the supplement thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secre-





tary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund created by the said first recited Act of the General Assembly to report annually and certify to the Governor the amount received under said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall direct the certificates representing the same to be cancelled, and in such cancellation issue his Proclamation, stating the fact, and the extinguishment and final discharge of so much of the principal of said debt:

And whereas, M. S. Quay, J. F. Temple and Henry Rawle, Esquires, the Commissioners of the Sinking Fund, in obedience to the requirements of law, report and certify to me that the amount of the debt of the Commonwealth of Pennsylvania redeemed and held by them, from the first day of December, A. D. 1875, to and including the thirtieth day of November, A. D. 1876, is Two hundred and fifty-four thousand one hundred and eighty-seven dollars and five cents, made up as follows, viz:

5 per cent. bonds, .....	\$58,100 00
6 per cent. bonds, .....	196,085 05
Relief notes, act of May 4, 1841, .....	2 00
	<hr/>
	\$254,187 05
	<hr/> <hr/>

Now, Therefore, as required by the third section of the Act of the General Assembly first above mentioned I, JOHN F. HARTRANFT, Governor as aforesaid, do hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of Two hundred and fifty-four thousand one hundred and eighty-seven dollars and five cents of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the

State, at Harrisburg, this Thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, and of the Commonwealth the one hundred and first.

By the Governor.

M. S. Quay,  
Secretary of the Commonwealth.

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Annual Message to the Assembly.—1877.

Executive Chamber,  
Harrisburg, January 3, 1877.

Gentlemen of the Senate and House of Representatives:

THE YEAR HAS CLOSED WITH VERY LITTLE change in the commercial condition of the country. During last spring and summer there were indications of the revival of confidence and a slight increase of trade; but the excitement attending the election, and the delay in announcing the result, appear to have checked the movement and revived the period of inactivity. The fact of the temporary improvement, however, has given rise to a reasonable hope that we have reached the close of the panic and the beginning of better times. It will be our duty to contribute to that end and indirectly aid in restoring confidence, by a wise economy in appropriations, a careful management of finances and a conscientious discharge of our official duties.

#### FINANCES.

The receipts of the State, derived mainly from the profits of corporations and business, have been somewhat reduced by the prolonged depression. Notwith-

standing this fact, however, the following tables and statement will show that the expenses of the government can be covered without increased taxation. Owing, also, to the general desire for safe and permanent investments, the State may save annually a considerable amount of interest by funding her overdue loans at a lower rate of interest.

Receipts and disbursements during fiscal year ending November 29, 1876:

#### Receipts.

Balance in Treasury November 30, 1875, .....	\$993,207 27
Receipts, .....	6,078,890 37
	<hr/>
	\$7,072,097 64

#### Disbursements.

Ordinary expenses, .....	\$4,505,513 82
Loans redeemed, .....	254,187 05
Interest on loans, .....	1,327,399 15
	<hr/>
	\$6,087,100 02

Balance in Treasury November 29, 1876, .....	\$984,997 62
	<hr/> <hr/>

#### PUBLIC DEBT.

##### Funded Debt.

Overdue, not presented for payment, and upon which interest is stopped, .	\$85,921 58
Five per cent. gold loan, payable Au- gust, 1877, .....	3,245,500 00
Five per cent. gold loan, payable Au- gust, 1878, .....	273,000 00
Six per cent. gold loan, payable Au- gust, 1879, .....	400,000 00

Five per cent. gold loan, payable August, 1882, .....	395,000 00
Four and one-half per cent. gold loan, payable August, 1882, .....	87,000 00
Six per cent. currency, redeemable February, 1877, and payable within five years, .....	7,882,800 00
Six per cent. currency, redeemable February, 1882, and payable within ten years, .....	9,995,800 00
Six per cent. currency, Agricultural College loan, payable 1922, .....	500,000 00
	<hr/>
	\$22,865,021 58

## PUBLIC DEBT.

## Unfunded Debt:

Relief notes in circulation, .	\$96,182 00
Interest certificates outstanding, .....	13,038 54
Interest certificates unclaimed, .....	4,448 38
Domestic creditor certificate, .....	25 00
Chambersburg certificates outstanding, .....	90 59
Chambersburg certificates unclaimed, .....	144 60
	<hr/>
	113,929 11
	<hr/>
	\$22,978,950 69

## Sinking Fund Assets:

Pennsylvania Railroad bonds, representing indebtedness January 31, 1877, .....	\$4,914,918 67
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Allegheny Valley railroad bonds, .....	3,300,000 00	
Cash balance in Sinking Fund, .....	839,992 25	
	<hr/>	\$9,054,910 92
Indebtedness unprovided, .....	\$13,924,039 77	<hr/> <hr/>

## SINKING FUND.

Receipts and payments for fiscal year ending November 30, 1876.

## Receipts:

Balance in Fund November 30, 1875,..	\$934,028 49
One-third tax on corporation stock,..	716,070 79
Allegheny Valley railroad company, interest on bonds, .....	252,500 00
Allegheny Valley railroad, bond redeemed, .....	100,000 00
Pennsylvania railroad, commutation tax, .....	460,000 00
	<hr/>
	\$2,462,599 28
	<hr/> <hr/>

## Payments:

Five per cent. redeemed,.	\$58,100 00
Six per cent. redeemed, ..	196,085 05
Relief notes, .....	2 00
	<hr/>

Total amount of loans redeemed, \$254,187 05	
Premium of gold for payment of interest, .....	28,432 96
Premium paid in purchase of loan, .....	12,331 24
Brokerage, .....	256 63
Interest paid, .....	1,327,399 15
	<hr/>
	\$1,622,607 03
	<hr/>

Balance in fund November 29, 1876, .....	\$839,992 25
Coupon account, .....	4,754 00
Estimated Sinking Fund receipts and payments for fiscal year end- ing November 30, 1877:	
Two-thirds tax on corporation stock, ..	1,300,000 00
Commutation of tonnage tax, .....	460,000 00
Allegheny Valley railroad bond,.....	100,000 00
Interest on Allegheny Valley railroad bonds, .....	162,500 00
	<hr/>
Estimated total receipts, .....	\$2,867,246 25
Estimated interest on public debt, .....\$1,350,000 00	
Coupon account, 1876, ..	4,754 00
	<hr/>
	1,354,754 00
	<hr/>
Applicable for redemption of public debt, .....	\$1,512,492 25
	<hr/> <hr/>

Notice has been given by the Sinking Fund Commissioners from time to time, as the loans of the Commonwealth became payable, that if not presented within ninety days the interest thereon would cease. Of these overdue loans there are still outstanding \$85,921.58, which will be paid at the Treasury, without interest, whenever presented. No loans being payable in 1876, it became the duty of the Sinking Fund Commissioners, in order to comply with the constitutional provision providing for the annual reduction of the public debt "by a sum not less than two hundred and fifty thousand dollars," to purchase them in open market at a premium. But during the next fifteen years no such contingency can arise. A six per centum currency loan of \$7,882,800 is redeemable in February, 1877, and payable in 1882. In August, 1877, a five per cen-

tum gold loan of \$3,245,500 is payable, and in 1878, 1879 and 1882 loans amounting to about \$1,000.00 are payable. A six per centum currency loan of \$9,995,800 is redeemable in February, 1882, and payable in 1892.

In the next five years about twelve millions of the State loans become payable. To pay the same would take an annual payment of nearly two and a half millions of dollars. This is not practicable nor desirable. I, therefore, recommend that a new loan be authorized, at a rate of interest not exceeding five per centum, redeemable in fifteen years and payable in thirty years, for such amount as may be deemed in excess of a reasonable reduction of the public debt for the next five years. A new five per centum loan would be taken promptly at a premium and a large amount of interest saved. The desirability of such investment may enable the loan to be placed at even a lower rate of interest. The loans of the State would then successively become payable during the next thirty years, and the Sinking Fund Commissioners could always redeem, annually, the amount required by the Constitution, or more, if necessary, at par, and would not be forced to go into the market and purchase at a premium.

#### GENERAL FUND.

Receipts during fiscal year ending November 30, 1876:

Balance in fund November 30, 1875, ..	\$120,523 14
Revenue from two-thirds tax on corporation stock, .....	1,432,141 58
Revenue from all other sources, ....	3,118,178 00

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Total receipts, .....

\$4,670,842 72

Estimated receipts for fiscal year ending November 30, 1877:

Balance in fund Novem- ber 29, 1876, .....	\$140,251 37	
Revenue from one-third tax on corporation stock, .....	650,000 00	
Revenue from other sources, .....	3,100,000 00	
	<hr/>	3,890,251 37
Loss to fund for 1877, .....		\$780,591 35
Estimated amount of reduction in ex- penses for 1877 over 1876, .....		500,000 00
		<hr/>
Amount to be provided for, ....		\$280,591 35
		<hr/> <hr/>

All the expenditures of the government are payable out of the general fund except public debt and interest thereon, which are payable out of the Sinking Fund. By act of February 12, 1876, two-thirds of all the tax on capital stock of all corporations of this Commonwealth are diverted to the Sinking Fund, but the act further provided that for the year 1876 two-thirds of the corporate tax shall be paid to the general fund, and the remaining one-third into the Sinking Fund. In 1877 the general fund will, therefore, receive only one-third of this tax, instead of two-thirds, as in 1876. This loss of one-third of the corporation tax to this fund, with the natural reduction in this and other sources of revenue by reason of depression of business, will make the receipts of this fund about \$800,000 less than last year. Expenses will have to be cut down materially, or additional revenue provided. The Executive will feel it his duty, should the appropriations be in excess of the probable revenue, to disapprove such items as to him may seem the least urgent. It may not be well to withdraw the aid heretofore extended to charitable institutions. Making no reduc-



tion in these appropriations, I am confident that \$500,000 of expenses of last year, attending the Centennial, improvements, Legislature, judiciary, printing and suppressing riots, will not be necessary this year, leaving a reduction of about \$300,000 to be provided for. Foreign insurance companies are resisting the payment of State tax. If the question is decided in favor of the State, \$260,000 additional will be received in the fund. The State has also pending a war claim against the United States, amounting to about \$200,000. And there may be smaller claims in suit. Although it is believed that these amounts will ultimately reach the Treasury, it will not be safe to anticipate them by appropriation. The deficiency can probably be supplied without additional taxation, by strengthening the hands of the financial officers of the State and a rigorous enforcement of the tax laws. The present system of assessment and collection of mercantile and tavern licenses is expensive and inefficient. Sometimes there are no assessments, and when assessments are made there are no collections, and when collections are made, the money is slow in reaching the Treasury. The whole subject of mercantile and tavern licenses, in the manner of assessment, collection and publication, ought to be revised. By avoiding unnecessary expense and making the financial officers of the State responsible for the execution of the law, through their own appointed agents, the returns from this source may be largely increased. With this increased revenue, I feel satisfied the general expenses of the Government can be met without resorting to additional taxation.

The corporation stock tax is measured by the dividend declared, and if no dividends is declared the stock is appraised and assessed at fixed rates. When a small dividend is declared during the year, the tax may be very much out of proportion to the value of

the stock. To avoid this the stock of all corporations paying less than a six per centum dividend should be appraised. It is also a question to be gravely considered, whether the tax on railroad corporations, now paying only the tax on capital stock, should not be reduced from "nine-tenths of one mill upon its capital stock for each one per centum of dividend made or declared by such company" to five-tenths of one mill and a gross receipt tax imposed sufficient to produce a revenue equal to such reduction. Some of the wealthier railroad enterprises of the State are now paying little or no dividends, and therefore very little tax for the large amount of property represented. The non-productive, as well as the productive, property of individuals is equally assessed in proportion to its value. While it is not pretended to apply the same rule strictly to railroad property on account of its great advantages and benefits to the public, yet I believe the mode of assessments should be so changed as not to give unprofitable railroad property almost total exemption from taxation.

#### BANKS AND SAVINGS FUNDS.

At the last session of the Legislature a general act was passed for the incorporation and regulation of banks of deposit and discount. The provisions of the act are in harmony with the principles set forth in the annual messages of 1874 and 1875. The effect of this law, when the loose charters so freely granted in former years shall have expired, will be to keep banks in their proper sphere as clearing houses for business transactions and for exchanges, and the instruments for collecting the temporarily unemployed capital of business men and re-distributing it by loans and discounts according to the wants of trade. It will create a mutuality of interest between the banks and their patrons, which will prevent the removal of large

amounts of capital to money centres for speculative purposes and force loans to local enterprises for legitimate business purposes at reasonable rates of interest. Business men, for obvious reasons, will be the depositors of these institutions. The savings of the people, which have been attracted by the lure of interest on deposits, will be diverted to other institutions, managed upon different principles, and having in view a different object.

To provide for that contingency, and as a complement to the act of May 13, 1876, I recommend the passage of an act for the incorporation and regulation of savings funds, prohibiting them from becoming banks of discount, and confining them to their proper object—the safe-keeping of the savings of the people. The deposits of such institutions should be made as inviolable as trust funds in the hands of trustees. The mercenary spirit and desire of gain should be taken out of their management, so that only men of the purest motives and highest integrity will become managers and directors of them. The salient features of a law that would commend itself to my judgment, are these: There should be no stockholders accepting a return for capital invested; the incorporators should be men of character and standing, having no pecuniary interest in the business. The amount to be deposited by one individual in any one year should be limited. The investment of deposits should be restricted by law to first class securities and measures taken to have this provision strictly complied with. Quarterly statements should be required to be published. The interest paid to depositors should be limited in general to about four per centum per annum; the balance of interest arising from investments would be used to pay salaries and other running expenses, and to create a surplus fund to provide for extraordinary depreciations and expenses.

The surplus fund might be limited to a certain percentage of assets, allowing the board of directors or trustees to increase the rate of annual interest whenever the surplus sufficiently exceeded such proportion. Owing to the permanent character of the investments, a certain small percentage of deposits might be set apart for current business, and all depositors should be required to give a reasonable notice of their intention to withdraw money from the funds. In New York sixty or ninety days are so given, and in the institutions chartered in Pennsylvania only fourteen days. In ordinary times the latter limit is perhaps sufficient, but in panics, when extraordinary depreciations in the market value of all securities take place, the interests of the depositors would be best secured by the longer limit.

I am aware that a law of this character has not the stability or certainty of one founded upon mercenary interests. The philanthropy of men is a fluctuating quality; their self-interest is a constant and steady force. In so far as it is purely beneficial, such a law may be regarded as experimental. A somewhat similar law exists in New York and most of the New England States, and one or two institutes have been chartered in Pennsylvania upon these principles. Practice has proved the wisdom of such legislation. I am satisfied its results will be beneficial. In these days of noble public and private charities, it is not unreasonable to hope that men of integrity and standing, in every community, will lend the sanction of their names and give the modicum of time required to a scheme for improving the condition of the industrious and deserving producers of the country.

#### EDUCATION AND SCHOOLS.

The reports of the Superintendent of Public Instruction will exhibit the educational progress of the year.

They testify strongly to the unshaken interest felt by the people in education and contain recommendations which are entitled to your serious consideration.

Our school laws, the expressions of a growing public sentiment, made from time to time, are a mass of fragmentary enactments, which it would be well to reconstruct in harmony with the wants of the community and the tendencies of the times. A revision of the methods and course of studies, a plan for building better and improved district school houses, and greater control over the whole system that the State now has, are among the changes that are desirable.

The first design of the common schools was to furnish an elementary education to the poor. The system has rapidly overgrown the original boundaries. It reaches into all departments of learning, professional, industrial and artistic, and the manifest tendency is to have the State assume in toto the function of public educator and give to every class of its citizens special and appropriate training. Every year the recommendations cover a wider field and new institutions of higher and special instructions are pressed upon the State. High schools, academies and colleges, industrial and art schools and workshops and laboratories are confidently assumed to be long to a system of State education. The drift of public opinion is unmistakable. The growth of this opinion, the increasing industries of the State and the example of foreign nations, concur in urging the extension of the system. My views upon the subject of compulsory and technical education have already been laid before you. I have heretofore uniformly encouraged all efforts to raise the standard and increase the utility of the public schools. They are the nerve centres of the body politic from which emanates the intelligence that gives life to its institutions. Whatever strengthens them strengthens the Commonwealth. The sug-

gestions of the Superintendent, that the field of public education be still further enlarged by the establishment of secondary schools of a higher grade and the system supplemented by industrial and technical schools, will scarcely need my endorsement to commend them to your attention.

While we are extending and enlarging the system of public instruction, we must not allow the destitute and neglected children, whom it was intended to benefit, to drift beyond its bounds. It is safe to say that not one in a hundred of this very class is to be found in the schools. Thousands of children throughout the State are driven prematurely to work, or wander in idleness, exposed to the vicious influences of ignorance and want, of filth and crime. The halt, the blind, the deaf and the dumb, are not more circumscribed by the hard condition of things than these miserable and friendless waifs. They are equally entitled to the care of the State; self-interest and charity are here identical. Embryo criminals nurtured in want, these outcasts, grown to maturity, eventually fill the prison and almshouses, and the money that the State refused to redeem them it is at last forced to expend to repress them. Some provision by which they could be sent to the numerous homes for friendless children and educated and cared for at a partial expense to the State, would be an act of wisdom as well as charity.

The schools for the education of the soldiers orphans' are in a flourishing condition and the children are, as a body, healthy and happy. "Their intellectual and moral improvement has been satisfactory, and no backward step has been taken in the work of rendering, as efficient as possible, the industrial department of the several schools." Since the system went into operation eight thousand five hundred and eighty orphans have been admitted and the number of children in the care of the State, on the first day of September,

1876, was two thousand six hundred and forty-one. The expenditures were a little over four hundred thousand dollars, being about twenty thousand dollars less than for the last year. The estimated appropriation for 1877-78 is three hundred and eighty-five thousand dollars. As the time approaches for the dissolution of this noble charity, which has reflected infinite credit upon the State, the people can reflect with pride and pleasure, that of the six thousand children who have enjoyed their bounty, many are now in lucrative employment, and all, with scarcely an exception, have become good and useful citizens. The good results obtained in this work should stimulate our zeal and quicken our action, in regard to the other destitute and friendless children before referred to.

The recommendation to raise the standard of the Normal Schools and fix the legal status of teachers, is worthy of attention. Undoubtedly the great want of our public school system, is a body of teachers who have chosen the profession as a life-work. Such a class cannot be formed without special training and inducement. To reap the full fruit of our school system, it is therefore necessary to liberally support and equip our Normal Schools, to secure the tenures of our teachers, and to provide a just compensation that will not leave them destitute after years of faithful toil. The extraordinary expenses of the past year have prevented the usual appropriations to these schools—as these are no longer required, I trust you will extend such aid as the finances of the State will permit, to enable the Normal Schools to successfully perform their function.

Pennsylvania is indebted to the voluntary zeal and energy of the School Department, seconded by the efforts of educators and teachers throughout the State, for the creditable educational exhibit at the Centennial. In the short space of three months, the hall was

erected and the immense mass of material suitably arranged. A work involving an amount of labor from the Superintendent and his assistants, which is well worthy of all praise. The exhibition awakened renewed interest in educational matters, and will undoubtedly be the means of invigorating and improving our schools.

#### INDUSTRIAL ART.

I have heretofore earnestly pointed out the growing necessity for industrial art education. First, through the public schools by the introduction of mechanical and free hand drawing; secondly, by night schools for adults, and thirdly, by special schools of industrial design for all classes. Museums, art galleries and other public collections, are also important forces in industrial education. Such institutions in England, France, Germany and other European countries are regarded as an essential element in national progress and are mostly under the patronage of the government. Intelligence is becoming more and more a most important element in every department of industry. In this respect our educational system is wholly deficient. It turns out lawyers, doctors, preachers and professional men in superabundance, while there is a startling dearth of intelligent farmers, manufacturers, miners and mechanics. A few of the States have started forward in the cause of industrial education, by introducing drawing into their public schools, and providing museums and schools of design. The large and varied industries of Pennsylvania demand a similar liberality. The Centennial year has brought us the opportunity and placed the materials for beginning at our disposal. The Geological Survey of the State has collected a "mass of specimens which is now hid away in boxes and wholly useless instead of being a source of instruction to the people."



The Pennsylvania Museum and School of Industrial Art, modeled after the celebrated South Kensington Museum of London, has secured Memorial Hall in which to form an art library; special collections, illustrative of industrial processes; and a thorough system of instruction in the arts of design as applied to manufactures, accompanied by general and technical lectures. In this, they are about to place the nucleus of a collection gathered in the rich field of the Centennial Exposition, intended to promote the improvement of American industrial art. I trust these efforts will not escape your notice. Some means ought to be devised to make available the rich collection of the Geological Survey. And you will no doubt seriously consider whether in the case of the Museum and Industrial school, the State ought not to extend a hand to place upon a firm foundation a work of so much public utility.

#### HISTORICAL PUBLICATIONS.

The Centennial celebration has attracted particular attention to State history with the gratifying result that this Commonwealth has not been behind others in providing liberally for the preservation of its true sources. The twenty-nine volumes of Records and Archives (1681-1790) published under the supervision of the late Samuel Hazard, the five volumes of Bates' History of Pennsylvania Volunteers (1861-1865) and the more recent publication of four volumes of a second series of Archives, contain a large body of valuable materials, by that means, placed beyond the possibility of destruction. The labors of the Historical Society of Pennsylvania in this direction, are worthy of especial notice. Its well managed publication fund has contributed to historical resources, the Correspondence of Penn and Logan; the History, by Acrelius, of our Swedish settlers upon the Delaware before

the time of Penn; the Heckewelders' Indian Nations, and the Historical Map of Pennsylvania, published in 1875.

#### GEOLOGICAL SURVEY.

The Board of Commissioners of the Second Geological Survey of Pennsylvania will inform you of the progress of the work, and the funds deemed necessary to complete it. Some surprise may be expressed that the amount should so far exceed the original estimates and the additional sums already appropriated, But the work is, no doubt, being thoroughly and economically done, and, if finished, will be of invaluable service to the government and people. Having been begun, the Survey ought certainly to be satisfactorily completed. With the present trained corps of surveyors and assistants, the work can be done less expensively and more perfectly than if discontinued and commenced anew after the lapse of some years. The Board proposed some modification in the law controlling the distribution of their reports, and ask for some disposal of the specimens collected by the Survey. I trust you will see the wisdom of granting their request and providing a suitable place for the display of the collections. The propriety of extending State aid to the United States Coast Survey, in its triangulations of the State, has already been referred to in former messages. At the present rate of progress it will take, perhaps, twenty years to complete it. An appropriation of three thousand dollars would enable it to be pushed forward with great rapidity, and materially aid the surveyors in their labor.

#### NATIONAL GUARD.

A much larger militia than the present force has always existed on paper, but the people of the State, before this year, were never able to judge of its real

strength and availability. The policy of the present administration has been to cut out all inefficient organizations, and while reducing the cost and nominal numbers, to increase the effectiveness of this necessary department. The aim has been to make a small, compact efficient body of troops that could be quickly called together, and confidently relied upon in an emergency. The prompt response of the soldiers on several important occasions, and the numbers that assembled in the Centennial encampment and participated in the parade, are evidences of the success of the policy adopted. Out of a muster roll of 870 officers and 8,996 enlisted men, 7,301, rank and file, took part in the military demonstrations of the Centennial year. Considering the voluntary character of the service, and that the men bore all the expenses, except transportation, the exigencies of business, sickness and other causes of enforced absence, the large attendance is in itself a most convincing proof of the spirit and patriotism of the troops.

The year has afforded an excellent opportunity of comparing the militia system of Pennsylvania and its results with those of other States. Costing the State much less in proportion to its size, I think it may be safely asserted that it is very much superior to any other in the proportion of effective troops, and especially in the feelings of professional pride and patriotism that it tends to develop. Every year, the decided improvement of the National Guard has attested the wisdom of the change in the law, and the salutary influence of the support and encouragement of the people. It is to be hoped that the valuable services of the troops in preserving the peace of the State, and the soldierly qualities shown on inspection, in encampment and on parade, will keep alive public interest, and remove all feeling that the system is one of merely ostentatious display.

## LAWLESSNESS.

Although the peace of the Commonwealth during the year has been unbroken, I feel it my duty to call your attention to the plan for providing against future contingencies set forth in my last annual message. Such emergencies from time to time may be considered inevitable, and in spite of the fact that much has been done within the past year to break them up and discourage their formation, organizations may continue to exist whose lawlessness will require more than ordinary measures to repress. To devise such measures will be a matter of ordinary wisdom, and to provide them, a precaution of common prudence. Theoretically the sheriff is clothed with the power of the county. A pleasing, delusive phrase "which keeps the word of promise to the ear and breaks it to the hope." The posse comitatus is a remedy of a warlike age. In these days of extended industries and complicated social relations with all their pacific influences, it is painfully inefficient. At all times the fears, and frequently the prejudices of a community in which disturbances occur, prevent the decisive action of the sheriff. It is at the best opposing mob to mob. Resistance to law, or systematic violations of it by large bodies of men, can only be suppressed by an organized force. Such a force the State has in its militia. But to be effectual, the demonstration of military power should be overwhelming and therefore large. A hundred policemen or constables organized under the command of the sheriff might supply the place of a regiment of soldiers. The frequent use of troops has ever been distasteful to a free people, and while casting an unpleasant duty and delicate responsibility upon the Executive, and causing loss to a large number of peaceful citizens called away from their usual avocations, entails, likewise, an enormous cost upon the taxpayers of the State. And there is always more danger of

bloodshed in employing troops than in the use of civil power. For these reasons, which have acquired additional prominence in the light of the unusual military expenses of 1875, I am constrained to press upon you what seems to be an adequate remedy.

The sheriff is the representative and instrument of executive authority in the county. In the discharge of his responsibility, the Executive has a large, well disciplined body of militia at his command, while the sheriff is left with one or two constables and the rude machinery of the posse comitatus. It is true, he can call upon the Executive for assistance. But for the reasons set forth above, it is advisable that the necessary support should be of a civil rather than of a military character, and promptness is always essential in dealing with lawless men. The proposition I have to submit to your honorable bodies, is the passage of a law which will enable the sheriff in troublous times, to organize a force commensurate with the opposition to be overcome. A force that may be called into being at the beginning of an exigency, continued while it lasts, and disbanded at its close. If, when the sheriff calls for aid, to suppress riots and unlawful assemblies, or to protect the people from systematic murder, arson and intimidation, the proper authority could empower him to enroll a constabulary sworn into the service of, and paid by the county, many disturbances which now demand the intervention of the military could be settled by civil process. Troops would then be necessary only on the gravest occasions. But such crisis would only occur after an honest effort had been made to suppress the outbreak by the local authorities, and not, as now, after a few spasmodic efforts which are supposed to exhaust a power which is in fact scarcely seen and never felt.

It is more important that your attention shall be given to this because of the growth of lawlessness in

our national life. We rejoice in the fact that we are a law abiding people, and we have, in truth, a substantial basis for our pride. But there is in every civilized society a lawless element, and courts and police are at once the guards and measure of its force. During the past decade these lawless characters have been receiving a dangerous education. They have seen throughout a large section of the country, systematic intimidation, in which the perpetrators of murder, arson and innumerable crimes against persons and property, have escaped with impunity, and in too many instances, accomplished their ends. They are incited by the probability of like immunity and the hopes of like success to pursue the same end. As a counterpoise to the dangerous education of the times, I earnestly advise the formation of a civil system which will convince the lawless classes of the futility of all such attempts. A power that will be prompt and effective, that can be directed at once to the threatened locality and crush insurrection before it gains standing and momentum.

#### PENITENTIARIES AND PRISONS.

At the last session of the Legislature your attention was called to the overcrowded condition of the Eastern Penitentiary, at Philadelphia. No action was taken thereon, and during the year the inspectors were seriously embarrassed to provide for the criminals consigned thereto. The institution has 580 cells, and there are now in confinement 944 convicts. Of this number 235 are confined on sentences under two years and 709 for two years and over. The law requires that each prisoner shall be kept singly and separately at labor in the cells or workshops of said prison. The Constitution prevents the inspectors from contracting for additional buildings without previous authority of law. They are therefore placed under the necessity

of violating the statute in one respect, by refusing to receive prisoners, except as vacancies occur, or disregard the law as to the mode of confinement, in order to receive those sent there by the courts. I respectfully urge upon you that it is time to relieve these gentlemen, whose admirable management of the penitentiary is a matter of notice at home and abroad, from this unpleasant dilemma, and enable them to carry out the law in its letter and spirit, and thereby secure the advantages of the system of discipline, which are now in a great measure lost. The remedy is to be found either in building another penitentiary, or in extending the accommodations of those already in existence, and perhaps in reducing the number of convicts authorized to be sent to the State institutions. In the course of time other State prisons will be required, since it is generally agreed that there is a limit in size and numbers beyond which a penitentiary ought not to go. It is not advisable, nor is it necessary, at the present time to incur that expense. I, therefore, recommend that authority be given to the inspectors of the Eastern Penitentiary, and funds be appropriated, to enlarge the accommodations of that institution to 780 cells. I also recommend that the law authorizing the courts to send to the penitentiary persons sentenced to imprisonment at labor, by separate and solitary confinement, for any period not less than one year, be modified, so as to permit those only to be sent who are sentenced to not less than two years' imprisonment as above. The increased capacity would at once give relief, and the operation of the proposed amendment, within the year, remove the pressure from the institution.

Such a course would also tend to induce the counties to erect proper and substantial prisons. Many counties now have such prisons, and a glance at the reports of the inspectors will show that fewer criminals

are sent from these counties to penitentiaries than from others. The counties whose jails are reported first class by the Board of Public Charities, are Armstrong, Clarion, Clearfield, Lehigh and Potter. In Berks, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Chester, Clinton, Crawford, Cumberland, Dauphin, Delaware, Fayette, Juniata, Lancaster, Luzerne, Lycoming, McKean, Mercer, Mifflin, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, Susquehanna, Warren, Wayne, Washington and York, the same authority report the jails good and substantial, although some are small. A few counties, Greene, Monroe and Northumberland, are now building new ones. Any legislation tending to hasten the action of the balance will be to the benefit of the counties and the State. The reformation of persons convicted of crimes of a venial character will be sooner attained in a community where they are known, and when they are spared the deeper disgrace of penitentiary imprisonment and separated from the hardened and desperate characters who will be turned over to the care of the State. Whatever action is taken, should be taken at once. The trouble is constantly increasing, and measures should be devised immediately to relieve the penitentiaries from the pressure of an over population, which impairs their efficiency and endangers the security and safety of their inmates.

#### BOARD OF PUBLIC CHARITIES.

The annual report of the Board of Public Charities will place before you much valuable statistical and other information in regard to the condition of the various charitable, reformatory and penal institutions of the State. Much has been accomplished during the past year in the correction of abuses still lingering in some of the county institutions, by the assistance rendered by wise counsel and judicious encouragement



to those who are endeavoring to improve the condition of the unfortunates intrusted to their care, and by a careful and discriminating oversight of the manner in which the funds of the State are appropriated to public charities, and expended by them. A marked improvement is observable in the general attention paid to the local managements of almost all grades of institutions coming under the jurisdiction of the Board of Public Charities, to a strict economy and a care over the various classes of inmates in accordance with the advanced views of our modern civilization. The benefits of an intelligent, experienced and disinterested supervision, such as is afforded by the Board of Public Charities, which were very imperfectly understood at first, have come to be more and more appreciated by the local managements of public institutions, and it is a matter of sincere congratulation that a growing spirit of confidence and co-operation is clearly perceptible as the work of the Board extends itself. The cost of managing such a State agency, trifling as it is, becomes wholly insignificant when compared with the large saving of public appropriation and the constant improvement of the State's care of the defective and criminal classes within its borders.

#### FISH.

The operations of the Fish Department during the year have generally kept abreast of the movement in other States. The Commissioners have employed the means given them, in distributing and cultivating new tribes of fishes, and in purchasing on reasonable terms, another extensive hatching establishment west of the Allegheny mountains. The State is now in possession of two establishments of the kind. The fishways continue to admit shad in large numbers, but they cannot as yet be said to have reinstated the fisheries above the dam. As there is no physical impediment

to the fish passing through them, the failure is ascribed to that natural timidity of the shad, the predatory fishing of the rivermen and the deposit of detrimental substances in the river. The neglect of the local authorities to enforce the appropriate legislation, or possibly, some inherent defects in the laws, seriously embarrass the efforts of the Commission to stock the waters of the State with food fish. The results in other States and the partial successes of the Commission, with all the drawbacks, have fully proven the feasibility of the scheme when properly supported. The importance of an unfailing supply of cheap food calls for an energetic and systematic effort to re-stock the magnificent water courses of the State before the attempt is finally abandoned.

#### INSURANCE.

I desire to repeat and emphasize the encomium of last year passed upon the Insurance Department. The labors of this Department, though arduous and of great service to the people, are of the quiet and unobtrusive kind, which escape publicity and are too often passed over without any credit. It performs a work of great utility, not only to the public, but to the responsible companies as well. By exposing fraudulent companies it increases the field for good ones, and saves the public from loss by annually informing them of the character and standing of all insurance companies, foreign and domestic. To do this it must often contend against combinations and corporations that are intent upon private gain at the risk and expense of the people. The Department is a most important one, the interests it serves and protects are vast, and it should receive at your hands, cordial support and proper attention.

## CONSTRUCTION OF PUBLIC SCHOOLS.

The recent holocaust in Brooklyn is a terrible reminder of a subject that has been frequently agitated but never sufficiently investigated. In the lurid glare of that sad experience, the laws relating to the construction of public buildings and places of amusements ought to be examined. If found to be sufficient, measures should be taken to have them vigorously enforced. If found to be deficient, ample provision should at once be made to prevent the recurrence of such frightful calamities. The law should be largely in favor of safety and security even at the expense of private profit and convenience. It generally happens that a great parade is made beforehand of the means of escape until some sacrifice reveals their utter inefficiency. Such matters cannot be safely left to the discretion of individuals but must be controlled by a power having a supreme regard for the public welfare. It is better to err on the side of over-officiousness than that hundreds of our fellow creatures should expiate our irresolution.

## NAVIGATION OF THE OHIO RIVER.

On April 27, 1876, I had the honor to call your attention, in a special communication, to the necessity of legislation by the State of Pennsylvania, to provide for the cession of jurisdiction over land within the limits of this State, required for the sites of locks and dams on the Ohio river, in the prosecution of improving the navigation of said river by the National Government. In accordance therewith, House bill No. 276 was introduced but no final action was taken thereon. The act should be passed promptly, not only out of respect to the National Government, which is voluntarily doing a work of great utility to the State, but on account of the great importance of the work itself.

## STATUARY.

By the act of Congress of July 2, 1864, the President of the United States was "authorized to invite each and all the State to provide and furnish statues, in marble or bronze, not exceeding two in number, for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown, or from distinguished civil or military services, such as each State shall determine to be worthy of that national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national statuary hall, for the purposes herein indicated." Several of the States have availed themselves of the invitation and caused to be erected, in the Capitol at Washington, statues of their illustrious citizens. I do not doubt that it will be your pleasure to select from the long list of the famous men of this Commonwealth, two, whose lives and services commemorate great events and great principles, and provide for placing their statues in the National Capitol, to remind observers of the part that Pennsylvania has contributed to the greatness and glory of the nation.

## MUNICIPAL COMMISSION.

The Municipal Commission to devise plan or plans for the better government of the cities of the Commonwealth, created by the act of May 5, 1876, has been appointed and commenced its labors. The great quantity of material to be digested and the necessity of an exhaustive discussion of the subject will probably delay its report until late in the session. A deep interest has been manifested by the people in the work, and it is hoped that the wisdom and experience of the Com-

mission and of the distinguished citizens whose views will be laid before it, may devise a plan to relieve the cities of the State from their heavy burdens, and suggests a municipal policy which will make impossible the extravagance and mismanagement that have characterized the last decade.

Among the many miscellaneous subjects which will claim your attention during the session, several seem to me of more than ordinary importance. The destruction of the forests of the State, proceeding with an alarming rapidity, and producing many ill consequences, should be neutralized by some legislation for renewing this great source of prosperity and health. The poll tax throughout the State ought to be equalized. The exemption law was passed for the protection of the wife and family of the poor man, against his misfortune or folly. If he can waive it, it is a simple nullity, and a law that is only a mockery to those it pretends to protect had better be removed from the statute book or amended. I suggest that a waiver of the law be made impossible. The conviction is steadily growing among intelligent men, and especially physicians, that a State Board of Health is necessary to the health and happiness of our people. Many epidemics can be prevented and contagious diseases sensibly confined or mitigated by the observance of a few sanitary precautions which are now ignorantly or wilfully neglected. It is our duty as legislators to secure the lives and health and happiness of our people by all the means that the knowledge and ingenuity of the age place within our reach. A State Board of Health, having general supervision over local boards, investigating systematically and scientifically, and disseminating correct information, would inculcate proper habits among the people and enable intelligent and salutary laws to be framed for the preservation of life and health.

## CENTENNIAL.

The Centennial closed amid general commendation. Nothing can be conceived more admirable than the temper in which it was undertaken, and the manner in which it was carried out. In size, interest and attendance, it is admitted to have surpassed all previous exhibitions. Many things contributed to this signal success. The co-operation of other States and the United States and the cordial good will of foreign nations materially aided the enterprise. But the main cause is to be found in the untiring energy and zeal, the prudence and ability of the distinguished managers, and in the unexampled liberality and hospitality of the people of Pennsylvania and Philadelphia. Throughout the Exhibition the utmost good order prevailed, and its associations have powerfully strengthened the reciprocal good will of the nations of the earth.

The results have been great and far-reaching. It has deepened and widened the public mind at home, and contributed to a better understanding and higher opinion of our nation abroad. It has been an exhibition not only of the material products of our institutions, in the necessities, comforts and luxuries of civilized life so lavishly displayed, but it has also shown the mental characteristics which are at once the source and security of the same institutions, the patriotism and liberality, the love of law and order, and the superior average intelligence of the American people. It has brought the work of our people into comparison with that of civilized nations, and in summing up what we have done has discovered to us the direction in which we must proceed. It has crowned the century with unalloyed satisfaction, and we can enter upon the work of the future with the confidence and hope derived from the progress of the past.

## PROGRESS OF THE CENTURY.

The past year was the centennial of the State as well as of the nation. It is natural to review the progress of the century; to trace the rise of the useful and ornamental arts, and to mark the changes that have taken place in society. At the latter part of the eighteenth century the province contained about four hundred thousand inhabitants. The population scarcely extended beyond the Susquehanna, except a few settlements that straggled into the wilderness and held a precarious existence amid hostile Indians, and the difficulties of communicating with the more populous regions. The people were chiefly engaged in agricultural pursuits; a few in the east were manufacturers, and the rude distilleries of the west turned the products of that region into merchandise. There were faint traces of the mining, manufacturing and lumber interests of the present day, and only a suspicion existed of the incalculable treasures buried in the earth. The means of disseminating intelligence and knowledge were scanty, and while the higher class were educated and refined, illiteracy was common among the people. A hundred years have wrought a wonderful change. The population has increased ten fold, the area under cultivation a hundred fold, and wealth almost beyond comparison. Thousands of miles of canals and railroads intersect the Commonwealth. Immense mining, manufacturing, agricultural and carrying enterprises give employment to the toiling millions of the State. All the products of the earth are within our reach; fuel and provisions are brought to our doors; gas and water are in our houses, and the news of the world of yesterday is laid on our breakfast tables in the morning. Thousands of schools and colleges are scattered over the State, and the post is burdened daily with millions of letters attesting the gen-

eral diffusion of knowledge. The people are more intelligent, freer and happier; more cheerful, tolerant and liberal. The charges of modern degeneracy are refuted by the clear testimony of a hundred years. The cant of politics is a wilful perversion of the truth of history. Comparing 1876 with 1776 it is apparent that we have advanced not only in population and wealth, but in freedom, in intelligence, in morals and in general welfare.

#### PERIODICAL DEPRESSIONS.

In common with other commercial nations we have had periods of depression. That these have not been caused by public and private extravagance and are no proof of the corruption and degeneracy of the times is easily shown. The aggregate taxes of the United States are less than those of any other nation, and the percentage of the cost of collection and the loss to the Treasury through defective laws and dishonest officials is less than heretofore. If the amount per capita is greater than formerly, so also the relative proportion of capital to each individual is greater still. Other nations prosper under great burdens; no good reason can be given for a different result in the United States. That the people spend more and live better is undoubtedly true. Such expenditures are not hurtful unless they impair the principal of the nation's wealth. If the purchase of luxuries is ruinous in itself, then the purchase of anything beyond bread and butter and coarse clothing is ruinous also. Nations, as well as individuals, ought to live within their incomes and save wealth fast enough to employ the natural increase of laborers. Within that limit comforts and luxuries are the just rewards of industry. As the capital accumulated since the war and invested in extending old industries and starting new ones is amply sufficient to employ the labor of the country, the cause of hard



times is evidently not the extravagance of the people. The capital of the country has not been wasted in riotous living but is locked up in unprofitable enterprises. Over-production, and not over-consumption, is the cause of the stagnation in business. The war, for the time being, changed the entire industrial relations of the country. The demand for some products was enormously increased, and the industries supplying them became very profitable; capital flowed steadily for some years in that direction, and the result was an abnormal growth of those interests at the expense of all others and increased production. When the war ceased there was in certain industries an enormous production that could not be absorbed by a peaceful community. Capital sought an outlet by projecting new railroad enterprises and other improvements far in advance of the natural growth of the country. For a while there existed a period of intense activity and apparently of extraordinary growth. But capital invested in unduly inflated industries will in time become unremunerative. When that happens those industries and the interests connected with them will wholly or partially fail; the capital, or so much thereof as can be realized, must seek other investments and the labor engaged find other employment. Hard times are the period of inactivity consequent upon the re-adjustment of these relations. Any legislation tending to make this re-adjustment easy and expeditious will have the effect of preventing panics. Instead of simply attempting reductions, which, even if advisable, would not have accomplished the object intended, Congress should have devised measures to release capital from temporarily unproductive enterprises, to assist labor in changing to other fields of operations, and to foster, encourage and protect the neglected industries of the country. Such legislation would go to the root of the matter. For such legislation we must depend al-

most entirely upon the National Government. It would not be proper for me to refer to the subject, except that our State policy must also accord with correct principles. By encouraging the closer co-operation of capital and labor, by creating new industries and diversified interests, so that proportionately large amounts of capital will not be suddenly transferred from one to another, and by establishing savings funds, such as have been recommended, whereby the savings of the laboring classes will be made absolutely secure, much can be done to prevent hard times and mitigate their evils when they come.

#### CONCLUSION.

On the whole, a candid review of the situation will justify our hopes and awaken our gratitude. No man can regard the satisfactory growth of his State without feelings of pride and thankfulness. No man, certainly, can undertake to legislate for so many millions and such vast interests without a sense of dependence and accountability to God, who has guided the Commonwealth to greatness and prosperity, through the vicissitudes of a hundred years. Invoking His blessing and guidance, let us then address ourselves to the task of retrieving past errors, perfecting past efforts and devising just and salutary laws to assist the people in their further progress.

JOHN F. HARTRANFT,

To the Senate Nominating George Sellers an Associate Judge of the Court of Common Pleas for Greene County.

Executive Chamber,  
Harrisburg, January 3, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George Sellers, to be associate judge in and for the county of Greene, until the first Monday in January, 1878.

J. F. HARTRANFT.

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To the Senate Nominating Jacob Knabb a Trustee of the State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, January 9, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Jacob Knabb, of the county of Berks, to be trustee of the Pennsylvania State Lunatic Hospital at Harrisburg, until February 1, 1878.

J. F. HARTRANFT.

To the Senate Nominating Trustees of the Hospital  
for the Insane at Danville.

Executive Chamber,  
Harrisburg, January 11, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas Chalfant and Andrew F. Russell of the county of Montour, to the trustees of the Hospital for the Insane at Danville, Pa., for the term of three years.

J. F. HARTRANFT.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, January 16, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the Pennsylvania State Lunatic Hospital for the Insane at Harrisburg, for the term of three years, viz: John L. Atlee, M. D., Lancaster; Traill Green, M. D., Easton; D. W. Gross, Esq., Harrisburg.

J. F. HARTRANFT.

To the Senate Nominating Joshua W. Jones Superintendent of Public Printing and Binding.

Executive Chamber,  
Harrisburg, January 16, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Joshua W. Jones, of the county of Dauphin, to be Superintendent of Public Printing and Binding for the term of four years, from the first day of July next.

J. F. HARTRANFT.

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To the Senate Nominating Samuel Beebe an Associate Judge of the Court of Common Pleas for Potter County.

Executive Chamber,  
Harrisburg, January 9, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Samuel Beebe, to be associate judge in and for the county of Potter, until the first Monday in January 1878.

J. F. HARTRANFT.

To the Senate Nominating State Fishery Commissioners.

Executive Chamber,  
Harrisburg, February 6, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Howard J. Reeder, of the county of Northampton; Benjamin L. Hewit, of the county of Blair, and James Duffy, of the county of Lancaster, to be State Fishery Commissioners for the term of three years.

J. F. HARTRANFT.

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To the Senate Nominating Inspectors of the State Penitentiary for the Western District of Pennsylvania.

Executive Chamber,  
Harrisburg, February 6, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Robert H. Davis and George A. Kelley, of the county of Allegheny, to be inspectors of the State Penitentiary for the Western district of Pennsylvania.

J. F. HARTRANFT.

To the Senate Nominating a Member of the Board  
of Public Charities.

Executive Chamber,  
Harrisburg, February 6, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Amos C. Noyes, of the county of Clinton, to be a member of the Board of Public Charities for the term of five years.

J. F. HARTRANFT.

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To the Senate, Transmitting a Letter from the Secretary of War Concerning the Cession by the State of Jurisdiction over Certain Lands to the Federal Government.

Executive Chamber,  
Harrisburg, February 21, 1877.

Gentlemen:—

**I** SUBMIT HEREWITH A COPY OF A COMMUNICATION from the honorable the Secretary of War, requesting that proper action be taken to secure the passage of a bill pending in the Legislature of Pennsylvania to provide for the cession of jurisdiction over and for the appraisement of land required by the United States in connection with the improvement of the Ohio river.

Referring to my message to the Legislature of April 27, 1876, and the accompanying documents, (see House Journal, 1876, page 955,) I herewith repeat the recommendations there made, and in accordance with the request of the Secretary of War urge that prompt and

favorable action be taken upon the pending legislation, unless the Legislature in its wisdom shall determine that the Ohio river within the limits of Pennsylvania should not be improved by the United States.

J. F. HARTRANFT.

War Department,  
Washington City, February 17, 1877.

Sir:—Adverting to a letter from this Department, dated April 22, 1876, submitting one from the chief of engineers, United State Army, in regard to the necessity experienced for the cession of jurisdiction over, and for the appraisement of land required by the United States in the prosecution of works of public improvement, and requesting in accordance with the recommendation of the chief of engineers, that the matter should be submitted to the Legislature of Pennsylvania. I would now recall your attention to the subject, and request that proper action be taken to secure the passage of a bill pending in said Legislature, to provide for the appraisement and condemnation of the lands required by the United States for the construction of movable dams, &c., in connection with the improvement of the Ohio river; which important work is meanwhile delayed.

Very respectfully,

Your obedient servant,

J. D. CAMERON,

Secretary of War.

To the Governor of the State of Pennsylvania, Harrisburg.

To the Senate Nominating Honorable James P. Sterrett a Judge of the Supreme Court.

Executive Chamber,  
Harrisburg, February 26, 1877.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Honorable James P. Sterrett, of the county of Allegheny, to be a judge of the Su-



preme Court of Pennsylvania until the first Monday in January, 1878, vice Honorable Henry W. Williams, deceased.

J. F. HARTRANFT.

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To the Senate Nominating a Major General of the National Guard.

Executive Chamber,  
Harrisburg, March 1, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Robert M. Brinton, of the city of Philadelphia, to be Major General of the First division National Guard of Pennsylvania, for the term of five years.

J. F. HARTRANFT.

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To the Senate, Transmitting the Preliminary Report of the Pennsylvania Board of Centennial Managers.

Executive Chamber,  
Harrisburg, March 2, 1877.

Gentlemen:—

**I**HAVE THE HONOR TO CALL THE ATTENTION of your honorable bodies to the recommendation in the preliminary report of the Pennsylvania Board of Centennial Managers, that the Pennsylvania building and furniture be given to the city of Philadelphia.

The act which made the appropriation provides that "at the expiration of said Centennial Exhibition, the State Board of Managers are hereby instructed to sell said building and furniture and return the proceeds to the State Treasury." The building and furniture would sell for a few hundred dollars only, and one of the most interesting landmarks, to Pennsylvanians at least, of the Centennial, would be thereby removed or destroyed. If donated to the city of Philadelphia, as St. George's house, German pavilion and the Ohio State building have been, it will be preserved and taken care of and remain in Fairmount Park as one of the most valued mementos of the Centennial. For these reasons I do heartily concur with the gentlemen composing the Pennsylvania Board of Centennial Managers, in recommending that the act directing the sale of the building and furniture known as the Pennsylvania State building be repealed, and that the building and appointments under proper conditions be given to the city of Philadelphia.

J. F. HARTRANFT.

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To the Senate, Transmitting Certain Documents  
Concerning the Appointment of a Major General  
of the First Division of the National Guard.

Executive Chamber,  
Harrisburg, March 7, 1877.

Gentlemen:—

**I**N ACCORDANCE WITH THE RESOLUTION OF  
your honorable body: "That the Governor be re-  
quested to transmit to the Senate such letters and  
papers as are in his possession in reference to the ap-  
pointment of a Major General of the First Division

of Pennsylvania Militia," communicated to me, March 7, 1877, I have the honor to transmit the accompanying papers and to lay before the Senate the grounds for the action of the Commander-in-Chief.

The Executive, as Commander-in-Chief of the militia of the State, has by law, the power to appoint the general officers of the National Guard of Pennsylvania without reference to rank or service. Such authority was exercised without comment, in the appointment of General Thayer, from private life to the command of a brigade in the First Division, over all the Colonels of that Division and in other instances.

The right of making such appointments, whenever the good of the service demanded them, has, indeed, never been questioned, and the efficiency of the Guard depends largely upon the power of the Commander-in-Chief to select the general officers of the divisions and brigades solely with reference to the experience and fitness of the appointee, the spirit of the troops and general interest of the service.

Considering Brigadier General Brinton's five years' active service in the field and nearly ten years' service in the National Guard of Pennsylvania, and acting in accordance with the almost unanimously expressed wishes of the officers and organizations of the First Division and consulting the interests of the service, the Executive deemed it eminently proper to place him in command of the division.

J. F. HARTRANFT.

To the Assembly Giving Notice of a Vacancy in the Representation of the State of Pennsylvania in the United States Senate by Reason of the Resignation of Hon. Simon Cameron.

Executive Chamber,  
Harrisburg, March 12, 1877.

Gentlemen:—

I HAVE THE HONOR TO NOTIFY YOU THAT A vacancy exists in the representation of the State of Pennsylvania in the Senate of the United States by reason of the resignation of Hon. Simon Cameron.

J. F. HARTRANFT.

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To the Senate Nominating Charles S. Fetterman Judge of the Court of Common Pleas of the Fifth Judicial District.

Executive Chamber,  
Harrisburg, March 19, 1877.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles S. Fetterman to be judge of the court of common pleas No. 1 of the Fifth judicial district, composed of the county of Allegheny, until the first Monday in January, 1878.

J. F. HARTRANFT.

To the Senate Nominating George F. Smith Judge  
Advocate General of the National Guard.

Executive Chamber,  
Harrisburg, March 19, 1877.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George F. Smith, of the county of Chester, to be judge advocate general of the National Guard of Pennsylvania.

J. F. HARTRANFT.

Proclamation of Vetoes.—1876.

Pennsylvania, ss:



**I**N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

wealth.

A PROCLAMATION.

**I**, John F. Hartranft, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue, and in compliance with the provisions of Article IV, section 15, of the Constitution thereof, do hereby give notice that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bills passed by both houses of the General Assembly, viz:



Senate Bill No. 80, entitled "An Act regulating the term of office of members of the board of town councils of the several boroughs of this Commonwealth."

House Bill, No. 185, entitled "An Act to require guardians appointed by the courts to give security for the faithful performance of their trusts."

Senate Bill, No. 246, entitled "A Supplement to an act, entitled 'A further supplement to an act providing for the introduction of water into the borough of Lebanon, approved the fifteenth day of April, Anno Domini one thousand eight hundred and sixty-nine, approved the eighth day of April, Anno Domini eighteen hundred and seventy-three,' authorizing and requiring the burgess and council of the said borough of Lebanon to levy and assess a frontage tax."

Given under my Hand and the Great Seal of the State at Harrisburg, this Twentieth day of April, Anno Domini one thousand eight hundred and seventy-seven, and of the Commonwealth the one hundred and first.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation concerning Certain Riotous Demonstrations in the City of Pittsburg and Various Points along the Line of the Pennsylvania Railroad.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

wealth.

## A PROCLAMATION.



Whereas, It has been represented to me by the proper authorities of Allegheny County, that riotous demonstrations exist in the city of Pittsburgh and various points along the line of the Pennsylvania Railroad Company, whereby the property of said Company and the lives of its employes are put in jeopardy, and the peace and good order of the community broken, which the said civil authorities are wholly unable to suppress. And Whereas the constitution and laws of this Commonwealth authorize the Governor, whenever in his judgment the same may be necessary to employ the militia to suppress domestic violence and preserve the peace.

Now, therefore, I, John F. Hartranft, Governor of the Commonwealth of Pennsylvania, do hereby admonish all good citizens and all persons within the territory and under the jurisdiction of the Commonwealth against aiding or abetting such unlawful proceeding. And I do hereby command all persons engaged in the said riotous demonstrations to forthwith disperse and retire peaceably to their respective places of abode, warning them that a persistence in violence will compel resort to such military force as may be necessary to enforce obedience to the laws.

Given under my Hand and the Great Seal of the State at Harrisburg this twentieth day of July in the year of our Lord one thousand eight hundred and seventy-seven and of the Commonwealth the one hundred and second.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation recommending the Adoption by Citizens of Means to Suppress and Repel the Disorder and Turbulence which has Arisen within the Commonwealth.

Pennsylvania, ss:

J. F. Hartranft.



wealth.

IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylvan-  
ia. JOHN F. HARTRANFT,  
Governor of the said Common-

A PROCLAMATION.

To the People of the State of Pennsylvania:



“Whereas, There exists a condition of turbulence and disorder within the State, extending to many interests and threatening all communities, under the impulse of which there has grown up a spirit of lawlessness requiring that all law-observing citizens shall organize themselves into armed bodies for the purpose of self-protection and preserving the peace,

“Therefore I, John F. Hartranft, Governor of the State of Pennsylvania, do hereby recommend that all citizens shall organize themselves into associations, with such arms as they can procure, for the purpose of maintaining order and suppressing violence, and all good citizens are warned against appearing in company with any mob or riotous assembly, and thus giving encouragement to violators of the law.

Given under my Hand and the Great Seal of the State at Harrisburg this Twenty-fifth day of July, Anno Domini one thousand eight hundred and seventy-



seven and of the Commonwealth the one hundred and second.

By the Governor:

M. S. Quay,  
Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving.—1877.

Pennsylvania, ss:



IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylv-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

wealth.

A PROCLAMATION.

During the Year the care of God has given an abundant harvest to the land, and health to the people, and sustained them in hope through the trials and sorrows, with which, in His infinite Wisdom, He has tempered His

Mercies.

Now, Therefore, I John F. Hartranft Governor of Pennsylvania, Do appoint Thursday the Twenty-ninth of November A. D. 1877 as a day of Thanksgiving and Prayer, asking the good people of the Commonwealth to assemble at their usual places of Worship on Said day and give thanks to Almighty God for the great benefits they have received at His hands.

Given under my Hand and the Great Seal of the State at Harrisburg this Fifth day of November in

the Year of our Lord One thousand eight hundred and Seventy-seven and of the Commonwealth the One hundred and Second.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,  
Secretary of the Commonwealth.

Proclamation of the Election of John Trunkey as a  
Judge of the Supreme Court.

Pennsylvania, ss:



IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylv-  
ania. JOHN F. HARTRANFT,  
Governor of the said Common-

wealth.

A PROCLAMATION.



Whereas, It is provided in and by  
an Act of the General Assembly of  
this Commonwealth, entitled "An act  
to provide for the election of Judges  
of the several courts of this Common-  
wealth, and to regulate certain judi-  
cial districts," approved the fifteenth day of April,  
A. D. one thousand eight hundred and fifty-one, that  
the Secretary of the Commonwealth shall cause the  
returns made to him of an election for Judge of the  
Supreme Court to be opened, and the votes cast for  
the persons voted for to fill said office to be accurately  
computed, and the Governor shall forthwith issue his  
Proclamation, declaring the person voted for judge  
of the Supreme Court who has received the greatest  
number of votes, to be duly elected:

And whereas, The Secretary of the Commonwealth has caused the returns of the late General election for Judge of the Supreme Court to be opened, and the votes cast to be accurately computed, whereupon it appeared that John Trunkey received the greatest number of votes of the persons voted for to fill the said office of Judge of the Supreme Court.

Now Therefore, In compliance with the provisions of the aforesaid act of the General Assembly, I, John F. Hartranft, Governor as aforesaid, do hereby issue this my Proclamation, publishing and declaring that of the persons voted for for Judge of the Supreme Court of this Commonwealth at the late General election held on the sixth day of November last past, John Trunkey received the Greatest number of votes, and is duly elected a Judge of the Supreme Court of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this twenty-sixth day of November in the year of our Lord one thousand eight hundred and seventy-seven and of the Commonwealth the one hundred and second.

J. F. HARTRANFT.

By the Governor:

M. S. Quay,  
Secretary of the Commonwealth.

Annual Message to the Assembly.—1878, with Correspondence Concerning the Railroad Strike of July, 1878.

Gentlemen:—

**M**ANY IMPORTANT AND GRAVE QUESTIONS will occupy you during the coming session. Among these, the finances of the State, being of first importance, will claim a corresponding share of your time and attention. Fortunately, they are in

such excellent condition, and the credit of the State so high, that you will probably have little difficulty in re-adjusting the funds to meet the ordinary and extraordinary expenses of the year, without imposing additional taxation.

TOTAL RECEIPTS AND DISBURSEMENTS DURING FISCAL  
YEAR ENDING NOVEMBER 30, 1877,

RECEIPTS.

Balance in Treasury, November 29, 1876, .....	\$984,997 62
General fund, .....	4,324,905 43
Sinking fund, ordinary receipts, .....	2,063,513 24
Sinking fund, new loan, five per cent,	8,000,000 00
Sinking fund, premium on new loan,	261,922 33
Sinking fund, interest on sale of new loan, .....	9,161 44
	<hr/>
	\$15,644,500 06

DISBURSEMENTS.

Ordinary expenses, ....	\$4,010,381 30
Loans redeemed, .....	8,035,196 38
Interest on loans, .....	1,414,651 63
Premium on gold, .....	13,726 38
Compensation, Farmers' and Mechanics' Na- tional Bank, .....	6,000 00
Coupon interest, paid at Treasury, .....	2,497 50
	<hr/>
	13,482,453 19
	<hr/>
Balance in Treasury, November 30, 1877, .....	\$2,162,046 87
	<hr/> <hr/>

## PUBLIC DEBT.

## Funded Debt:

Over-due loans, upon which interest has been stopped and not presented for payment, .....	\$60,981 58
Redeemable loans of five and six per cent. loan, upon which interest has been stopped, and not presented for payment, .....	645,950 00
Five per cent., payable in 1878, .....	273,000 00
Six per cent., payable in 1879, .....	400,000 00
Five per cent., payable in 1882, .....	395,000 00
Four and one-half per cent., payable in 1882, .....	87,000 00
Six per cent., redeemable in 1877, and payable in 1882, .....	2,472,200 00
Six per cent., redeemable in 1882, and payable in 1892, .....	9,995,800 00
Five per cent., redeemable in 1892, and payable in 1902, .....	8,000,000 00
Six per cent., Agricultural College, payable 1922, .....	500,000 00
Relief notes in circulation, .....	96,174 00
Interest certificates outstanding, .....	13,038 54
Interest certificates unclaimed, .....	4,448 38
Domestic creditor certificates, .....	25 00
Chambersburg certificates outstanding, ...	52 21
Chambersburg certificates unclaimed, ....	144 60
	<hr/>
	113,882 73

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Total Debt, December 1, 1877, .. \$22,943,814 31

Pennsylvania railroad bonds, representing an indebtedness, Jan- uary 31, 1878, of . . . .	\$4,686,413 06	
Allegheny Valley rail- road bonds, . . . . .	3,200,000 00	
Balance in Sinking Fund, November 30, 1877, . . . . .	1,705,014 87	
	<hr/>	9,591,427 93
Indebtedness unprovided for, . .	\$13,352,386 38	<hr/> <hr/>

## NEW FIVE PER CENT. LOAN.

The new five per cent. eight million loan, for the redemption of the maturing loans of the Commonwealth, authorized by act of March 20, 1877, was duly advertised, and the bids therefor were opened on the first day of May, 1877. The bids above par amounted to over \$17,000,000, and the premium realized was \$261,922 33. Of the eight millions of bonds redeemed with the proceeds of this loan, over five millions were six per cent. currency interest bearing bonds, and the remainder were five per cent. gold interest bearing bonds. This reduction of the rate of interest will save the State more than fifty thousand dollars annually.

## GENERAL FUND.

RECEIPTS DURING FISCAL YEAR ENDING NOVEMBER  
30, 1877,

Balance in fund November 29, 1876, . .	\$140,251 37
Revenue, . . . . .	4,324,905 43
	<hr/>
Total receipts, . . . . .	\$4,465,156 80
Payments, . . . . .	4,010,381 30
	<hr/> <hr/>

Balance in fund November 30, 1877, ..	\$454,775 50
Estimated revenue for 1878, .....	3,643,300 00
<hr/>	
Total available fund, .....	\$4,098,075 50
Estimated expenses, .....	4,367,000 00
<hr/>	
	\$268,925 50
Appropriations for last year not paid,	665,000 00
<hr/>	
Deficit, .....	\$933,925 50
<hr/> <hr/>	

The depressed condition of the industrial interests forbid the attempt to meet this deficit by increased taxation. I, therefore, recommend that one third of the revenue derived from the corporation tax be diverted from the Sinking Fund and paid into the General Fund for the present year. There will still be ample funds, after payment of interest, to more than comply with the constitutional provisions for the redemption of the debt. The one third so diverted will, in part, pay the extraordinary expenses of the July riots, which are estimated to be about five hundred thousand dollars. The balance of the deficit can only be avoided by the closest scrutiny of all appropriation bills, and the strictest economy in all Departments of the government.

## SINKING FUND.

Receipts and payments for fiscal year ending November 30, 1877.

## Receipts.

Balance in fund, November 29, 1876, ..	\$839,992 25
Two third tax on corporation stock, ..	1,391,013 24
Allegheny Valley Railroad Company, (interest on bonds,) .....	112,500 00
Allegheny Valley Railroad Company, (bonds redeemed,) .....	100,000 00

Pennsylvania Railroad Company, (com- mutation tax,) .....	460,000 00
New five per cent. loans, issued by act, March 20, 1877, .....	8,000,000 00
Premium of sale on new loan, .....	261,922 33
Interest on sale of new loan, .....	9,161 44
	<hr/>
	\$11,174,589 26

## PAYMENTS.

Five per cent. gold loan redeemed, .....	\$3,166,000 00
Six per cent. loan re- deemed, .....	4,869,188 38
Relief notes, .....	8 00
	<hr/>
Total amount of loan redeemed, .....	\$8,035,196 38
Premium on gold for payment of interest, .....	13,726 38
Amount of interest paid during fiscal year, ...	1,414,651 63
Compensation Farmers' and Mechanics' Bank, Philadelphia, .....	6,000 00
	<hr/>
	9,469,574 39
	<hr/>
Balance in fund, November 30, 1877, .....	\$1,705,014 87
Amount payable on demand:	
Over due loan, .....	60,981 58
Called in loans, .....	645,950 00
Relief notes, &c., .....	113,882 73
	<hr/>
	820,814 31
	<hr/>
Available for payment of public debt, November 30, 1877, .....	\$884,200 56
Coupon account, 1876, .....	\$4,754 00



Coupon account paid, 1877, .....	2,497 50	
	<hr/>	2,256 50
Estimated receipts and payments of Sinking Fund for fiscal year 1878:		
Corporation tax, .....	\$1,300,000 00	
Less one third heretofore recommended for diversion for general purposes, .....	433,000 00	
	<hr/>	\$867,000 00
Commutation of tonnage tax, .....	460,000 00	
Allegheny Valley Railroad Company, .....	300,000 00	
	<hr/>	
Total receipts, 1878,	\$1,667,000 00	
Interest on public debt, 1,225,000 00		
Coupon account of 1877, ...	2,256 50	
	<hr/>	1,227,256 50
	<hr/>	
Surplus for 1878, .....		\$439,743 50
		<hr/>
Available for payment of public debt during 1878, .....		\$1,326,200 56
		<hr/> <hr/>

The Constitution provides that the annual reduction of the public debt shall not be less than two hundred and fifty thousand dollars. It would appear, apparently, by the record of the debt canceled, that the indebtedness of the State had only been reduced, during the fiscal year just closed, in the sum of thirty-five thousand one hundred and thirty-six dollars and thirty-

eight cents. But, by a further examination, it will appear that the Sinking Fund Commissioners called in for redemption the following loans, viz:

Registered, 10x15, six per cent.,		
call of May 18, 1877, . . . . .	\$4,710,400	
Redeemed to November 30,		
1877, . . . . .	4,565,350	
	<hr/>	\$145,050
Registered, six per cent., call of		
July 6, 1877, . . . . .	\$250,300	
Redeemed to November 30,		
1877, . . . . .	220,900	
	<hr/>	29,400
Coupon, 10x15, six per cent., call		
of May 18, 1877, . . . . .	\$369,000	
Redeemed to November 30,		
1877, . . . . .	2,000	
	<hr/>	367,000
Coupon, May 4, 1852, five per		
cent., call of May 18, 1877, . .	\$2,785,000	
Redeemed to November 30,		
1877, . . . . .	2,726,000	
	<hr/>	59,000
Registered, May 4, 1852, five per		
cent., call of May 18, 1877, . .	\$460,500	
Redeemed to November 30,		
1877, . . . . .	415,000	
	<hr/>	45,500
		<hr/>
Amount of loan, on which interest has		
been stopped and not redeemed, . . .		\$645,950
		<hr/> <hr/>

The call contained the notice that interest would cease at the end of ninety days. These loans not presented in accordance with the notice have ceased to draw interest since the time given in the call has

expired. The principal will be paid without interest from that time, when presented. Practically, the constitutional provision as to the annual reduction of the State indebtedness has been more than fully complied with.

Under the several acts constituting the Board of Revenue Commissioners, the law is very defective for the purpose of obtaining a fair and equal assessment of the subjects of taxation, and for ascertaining and determining the value thereof. When the Board was organized in 1844, it consisted of one member from each judicial district, together with the State Treasurer, and the principle subject of taxation was real estate. The Board now consists of the Auditor General, State Treasurer and Secretary of the Commonwealth, and personal property only is liable to taxation. The law, as applicable to real estate, is not adapted to the valuation and equalization of personal property.

The reports from the commissioners of the several counties of the returns made by the assessors are so unequal in the valuation of the property, and some of them so deficient in returning full assessments of the various kinds of property taxable for State purposes, that great injustice is done to the Commonwealth, as well as to many counties, in consequence of this want of uniformity in valuations and completeness of returns. The power of the Board of Revenue Commissioners to remedy this by going behind the returns to make corrections from information derived from other sources has been questioned, and a bill was introduced into the Legislature at the last session to remedy this defect, and to define the powers and extend the duties of the Board of Revenue Commissioners. But the bill was not passed. The triennial meeting of the Board will take place this winter, and without such legislation, under the construction of the present law, which

is contended for, the duties of the Board will be only clerical, and the meeting a useless ceremony. If revenue is to be derived from that source, there should be adequate power to ascertain the amount, and to enforce its collection, and this law should be passed without delay, in order that the Revenue Commissioners, at the approaching meeting, may avail themselves of its provisions.

Many appropriations are asked for annually for the benefit of the classes of persons who pay these taxes, but to pay appropriations it is necessary to have revenue. The accounting and financial officers of the Commonwealth should be provided with the means of ascertaining and collecting the amount of taxes which the laws have imposed. To declare by law that a subject or article of property, is liable to taxation, will produce no revenue unless the means of assessing and collecting the taxes are provided.

#### SAVINGS BANKS AND TRUST COMPANIES.

An examination of the many failures of these institutions during the year demonstrates that to allow them to be used as banks of discount is fatal to the interests of the depositors, even where the business is conducted with ordinary integrity and prudence. Banks of discount and exchange, although entitled savings banks, must be conducted as a business and cannot be managed as a trust. Money must be loaned to business men upon business paper subject to the fluctuations of trade, and invested in speculations, which, while perfectly legitimate for a business man, involve risks which ought not to be taken by a trustee. The law should separate banks of discount for business purposes from institutions designed for the safe keeping of the earnings of the people, and ought not to allow them to be deceived by the name of savings

banks, applied to what are, in reality, simply banks of discount and exchange.

A movement is on foot to organize a national postal savings fund. Such a scheme is a subject for serious reflection. It involves not alone questions of a pecuniary nature, but those of a profound political character. It invests the Federal government with a vast trust, and clothes it with corresponding influence. It would add intense interest to our elections, and give the dominant party the weight of the conservatism of a great vested interest. On the other hand, it offers the people the securest depository for their savings, and excites an abiding interest in the perpetuity and integrity of the National government. Upon the whole, it seems to me to promise enduring benefits to the people individually, and to the nation, and to be worthy of support and co-operation.

Pending the discussion and organization of such a system, which must, of necessity, require time, I most earnestly renew my recommendations of last year, and urge upon you the passage of a law, embodying the principles and provisions therein set forth. The State cannot be held stainless of these failures. Its charters, incorporating as "savings banks" what are really banks of discount, had much to do with the respect and faith the people felt for them. It is, therefore, a duty to draw, at once, the line between a business and a trust, and to prevent hereafter the enormous losses accruing to the worthiest of our people by a deceitful and dangerous combination.

As a further safeguard, I believe it would be a most wise provision to create a Bank Examiner or Commissioner, with duties analogous to those of the Insurance Commissioner, who would periodically make an examination of the banks of the Commonwealth, and report their condition. His powers and compensation might be defined and fixed, as those of the Insurance Commissioner now are.

## EDUCATION.

The views of the Superintendent of Public Instruction correspond so nearly with my own that I need do little more than call attention to his report. He repeats the recommendation for a revision of the school laws, and, I trust, you will see the advisability of bringing the original enactments, supplements, usages, and decisions into one concise and logical code. The money appropriated to pay indebtedness of the Normal Schools was apportioned among those institutions, in accordance with the intention of the Legislature. Although relieving them from temporary embarrassment, it will be necessary to provide for their future welfare. Normal Schools are an essential part of a public school system, and the Legislature will, no doubt, see that those of Pennsylvania are not restricted in their sphere of usefulness by the want of funds. I fully recommend the trial of the cautious system of compulsory education of vagrant children, proposed by the Superintendent, and have elsewhere given my views of the subject of industrial schools and workshops, which he fortifies by his arguments and facts and examples, proving the feasibility of the scheme.

The report of the Superintendent of Soldiers' Orphans presents a satisfactory record of the progress and health of the wards of the State, and conveys the gratifying intelligence of the welfare of those who have completed the course, "nearly all of whom are at work—many engaged in the simpler kinds of hand labor, but many at trades, on farms, or in the professions." Under the laws, the Orphans' Schools close finally on the first day of June, 1879, and it will be necessary for the present Legislature, if it desires to continue the bounty of the State, to provide for the two thousand children between the ages of four and sixteen years, who will then be left in them. Of the three plans set forth by the Superintendent, it seems to me

that either the first, to repeal the act closing the schools in 1879, and allow the system to run to its natural end, or the third, discharging all children over a certain age, or for whom suitable homes can be found, and providing for the rest in the homes for friendless children which exist in various parts of the State, will close this noble undertaking, as it was begun, in charity. The pride and pleasure they have felt in the work, the satisfaction they have derived from its happy results, leave no doubt that the adoption of either course will meet the warm approbation of the people of Pennsylvania.

#### THE JULY RIOTS.

In the early part of July, I arranged for a trip across the continent. At that time the peace of the Commonwealth seemed assured and all classes of society appeared to have accepted with resignation the results of the continued depression in business. As a precautionary measure, however, in consultation with the Adjutant General, I gave him instructions, in case of any unexpected outbreak requiring prompt and vigorous action, to order troops to the assistance of the local authorities, in accordance with the policy heretofore adopted. On the sixteenth, I left for the West. Shortly after, trouble arose between the Baltimore and Ohio railroad and its employes, which culminated in the strikers seizing the road at Martinsburg, West Virginia. On the nineteenth of July, the train hands of the Pennsylvania railroad at Pittsburgh also struck, and stopped the passage of all freight trains east and west. All attempts of the municipal and county authorities to restore traffic failed, and by the evening of the twentieth, a large number of trains, containing thousands of head of live stock, and merchandise belonging to citizens of the State and other States were massed at Pittsburgh. Every effort to move freight by the com-

pany, with the workmen that remained in service, was resisted by intimidation, and where persisted in, by violence. In the meantime, early on the morning of the twentieth, upon the call of the sheriff, the Adjutant General ordered the Sixth division of the National Guard, General Pearson commanding, to assist in restoring order. Of this division, aggregating one thousand and eighty-two officers and men, but six hundred were gotten together by the evening of the twentieth.

Being informed by General Pearson of the gravity of the situation, and that he feared the majority of his troops were in sympathy with the strikers, the Adjutant General ordered the First division of the National Guard, General Brinton commanding, to report to General Pearson at Pittsburgh. The Adjutant General had previously set out for Pittsburgh, receiving, on the way, my telegram to proceed there and keep supervision of all troops ordered out. He arrived at one o'clock on the morning of the twenty-first. All traffic was then stopped on the Baltimore and Ohio, the Fort Wayne, the Allegheny Valley and the Pennsylvania railroads. The force in the city was then about three hundred and fifty men, the Eighteenth regiment being at Torrens. During the morning, just before daybreak, the Fourteenth and Nineteenth regiments and Breck's battery, under Brigadier-General Brown, were moved to take position upon the hill overlooking the tracks at Twenty-eighth street, with instructions to keep the hill-side free of people, in anticipation of the attempt contemplated in the afternoon, upon the arrival of the Philadelphia troops, to clear the tracks and open the road. This movement was successfully executed and the hill occupied, at a time when there were few or no people upon it, but, owing to a failure to carry out instructions, the hill-side was covered by noon with an excited crowd of men, among whom were many women and children.



The Pittsburg troops were surrounded by the crowd, and, in fact, became a part of it. The main body of the strikers were assembled on the tracks in the neighborhood of Twenty-eighth street. The surrounding streets and tracks, above and below, were also covered with people. At two o'clock, in the afternoon of the twenty-first, the first detachment of the Philadelphia division, six hundred and fifty strong, under command of General Brinton, bringing with it two Gatling guns and a large quantity of ammunition, arrived at the Union Depot. After a short delay, to feed the soldiers, the movement to open the road began. Preceded by the sheriff and accompanied by the guns, the troops were marched down the tracks between the lines of freight cars. For some distance the road was comparatively clear, but, as the column approached Twenty-eighth street it met a constantly increasing crowd through which it forced its way into the dense mass at the foot of the hill. The lines pressed the crowd slowly and with difficulty back on either side of the road, until that portion of the tracks enclosed by the hollow square so formed was clear.

An attempt of the sheriff to arrest some ringleaders who had been prominent in the previous outrages raised a commotion, during which stones were thrown by the mob. The troops were ordered to charge bayonets and in doing so came in immediate contact with the pressing and excited mass. Several pistol shots were fired and a volley of stones thrown from the crowd, from those on the hill-side as well as others, and violent attempts were made to wrest the muskets from the soldiers. Having been wedged in among a surging body of rioters, growing more and more aggressive, many of whom were attempting to crowd the soldiers from the ranks or wrench the muskets from their hands, and as a few moments more would have broken the ranks and involved the individual soldiers

in inextricable and helpless confusion among their foes, the soldiers fired. Under the circumstances, they did right to resist the attempt to disarm or overpower them. A soldier is stationed or commanded to move as a soldier, and has the undoubted right, in the execution of his order, to prevent himself from being forced from his post or disarmed. As soon as relieved of the pressure, the commands of the officers at once stopped the firing. From proximity to the crowd, the firing was wild and high, as well as desultory, and took effect, principally, upon the hill. Panic-stricken, the crowd upon the hill-side and adjacent streets and immediately surrounding the soldiers, scattered in all directions, carrying with it many of the Pittsburgh soldiers and the main body of the rioters fell back along the track. In the melee, fifteen or twenty soldiers were wounded, the majority with pistol balls, and a number of the mob killed and wounded.

At this time the troops were undoubtedly masters of the situation, and a determined advance in all directions and co-operation of the civil authorities, would have driven away every vestige of the mob, and by activity and care might have prevented it from re-assembling. As it was, though unskillfully executed, the movement produced the result intended; but, though offered a guard for each one, the railway officials were unable to move their trains from the impossibility of finding engineers and crews who were willing to man them at that time. The troops held their ground an hour or two during which time the rioters gradually returned and collected about in squads. About six o'clock the troops were withdrawn and placed wholly within the round-houses and adjacent buildings. No pickets or guards were left outside. From this time on, the troops were kept on the defensive, which gave the mob a great and fatal advantage. The mob, rapidly increasing in numbers and boldness

after dark, broke into various gun-stores and armories, arming themselves, and a desultory firing was kept up during the night, without effect upon the soldiers, and with considerable loss to the rioters. At nine o'clock General Pearson and staff left the round-house, and General Brinton remained in command of all the troops at that point. About midnight the mob resorted to the expedient of burning the soldiers out by setting fire to the freight cars standing along the tracks below the round-houses. The Adjutant General—with a few civilians and officers in citizens' clothing and eighteen dismounted cavalry, without carbines, and during a part of the night a few members of the Fourteenth regiment, guarding the provisions and ammunition—remained all night at the Union Depot hotel, about a mile from the scene of action. The Adjutant General, as soon as he was informed of the position of the troops, labored zealously during the night to bring up the other detachments of the First division, en route from Philadelphia, and the Eighteenth regiment, stationed at Torrens. Owing to the want of ammunition in these commands and the delay in transporting it by wagons and the inability of the railroad company to furnish engineers to move the trains, making it necessary to march some miles, the movement could not be executed in time.

At eight o'clock on the morning of the twenty-second, General Brinton left the round-house, and, marching rapidly, crossed the Sharpesburg bridge over the Allegheny river and passed into the open country. On this retreat, four soldiers were killed and a number wounded. The Adjutant General had directed him to effect a junction with Colonel Guthrie at Torrens, about five miles from Pittsburgh, and await the arrival of his other detachments, preparatory to other movements. Acting upon his own discretion, the general disregarded this instruction.

The stoppage of all lines running into the city prevented the arrival of the other divisions ordered by the Adjutant General to the scene of the disturbances, and he was, consequently, left in Pittsburgh without troops. Finding that General Brinton would not effect the junction designed, in the afternoon of Sunday, the Adjutant General arranged for provisions to be sent to his command, and directed him to concentrate his division at Altoona, as the most available point to secure supplies for a large body of troops. In the meantime, disturbances having broken out in various railroad centres throughout the State and country, and all the railroads being obstructed, and fearing a failure of telegraphic communications, the Adjutant General decided to return to Harrisburg, to prepare and concentrate the troops for a marching campaign. General Sigfried was directed to move to Harrisburg, to take charge of the State arsenal, which was reported in danger. Having made these dispositions, General Latta, late on Sunday evening, left Pittsburgh and returned to Harrisburg. The Legislature and people are familiar with the scenes of arson, pillage and destruction of property enacted by the mob during Saturday night and Sunday morning.

From the time the trouble commenced on the Baltimore and Ohio railroad, I was constantly advised of the situation, and gave general orders to meet the emergency. In consequence of telegrams from General Latta, received at Ogden, at six o'clock, Saturday evening, I determined to return to the State on the next train, leaving at ten o'clock Sunday morning. At Salt Lake City, at nine o'clock P. M., I received a dispatch from Secretary Quay, and immediately made arrangements to return in a special car, and started at twelve o'clock, midnight, Saturday. The next morning, at Creston, I ordered out the entire force of the State, and called upon the President for regular troops.

Traveling continuously day and night, the latter portion of the journey by sufferance of the strikers, I arrived at Pittsburgh on the twenty-fourth. I found the city in a state of great anxiety, and all the railroads obstructed, and, in some instances, run by the strikers. I was immediately waited upon by a deputation of professional men, merchants, editors and prominent citizens of all classes, who asked my stay to organize the militia and take charge of the situation. They particularly urged the necessity of immediately opening railroad communications, representing most earnestly that, unless this were done very shortly, the supply of coal and provisions would be exhausted; the gas-works, mills, and factories must be stopped; a large number of idle people thrown upon the streets; the water supply could not be pumped, and the want of provisions among the poor and unemployed, would inevitably precipitate bread riots. After a short consultation, I left on Wednesday morning, and arrived that evening at Philadelphia, accompanied by the Adjutant General, who joined me at Harrisburg.

At Philadelphia, I met Generals Hancock and Schofield, of the United States Army, who informed me that they had been directed by the President to support the State authorities. As the necessity of opening communications, for the reasons given, was very urgent, it was determined that I should proceed at once to Pittsburgh with the State troops, and that General Hancock would forward the regulars as fast as they could be made available.

In accordance with this programme, on the twenty-sixth, with the few troops of the First division remaining in the city, I set out again for Pittsburgh, and gathering the detachments and divisions scattered along the road, arrived there at daylight on the twenty-eighth. The force taken was apparently large, but as it was probable that, in opening the roads, it would

be necessary to guard many depots and several miles of track, it was thought best to be prepared for any contingency. So fearful were the citizens, even at that time, of a renewal of the outrages, that in spite of the necessity for opening traffic which they had formerly pleaded, they now, through the committee of public safety, begged me to influence the Pennsylvania Railroad Company not to attempt to move freight trains. I replied while it was not my duty to run railroads, if the Pennsylvania Railroad Company desired to pursue their business, and were prepared to do it, I would support them with the whole power of the State. On Monday morning the railroad companies and their employes resumed business; the freight were started, and communications opened with all parts of the country.

In the meantime, the disturbances spread rapidly over the State. In Philadelphia, by the courage and activity of the mayor and police, supported by the great body of citizens and the press, and in Harrisburg, through the coolness and promptness of the sheriff of Dauphin county and the mayor of the city and the public spirit of the citizens, who responded to the call of the authorities, the disturbances were speedily quelled before my arrival. In Reading, the costly railroad bridge over the Schuylkill was burned on the evening of the twenty-second and freight trains stopped. The sheriff of Berks county, proving unequal to the situation, General Reeder, with two hundred and fifteen muskets, of the Fourth infantry, National Guard of Pennsylvania, was sent there by General Bolton, and in a severe street fight, after dark, on the twenty-third, in which many of his command were injured more or less severely with stones, and eleven of the crowd killed and above fifty wounded, the rioters were dispersed. These troops having been subsequently demoralized by the action of the Sixteenth regiment,

were withdrawn; but the next day, the twenty-fourth, upon the arrival of a detachment of United States troops, under Colonel Hamilton, the road was reopened.

In the middle coal field of Luzerne county, the miners, under the prevailing excitement, struck on the twenty-fifth of July, and all trains were stopped upon the roads running through that region. At Scranton, on the first of August, a large body of men, endeavoring to drive the workmen from the railroad shops and factories, were courageously dispersed by the mayor and his posse, in which conflict that officer was severely injured and three of the rioters killed and a number wounded. As the trouble was serious and threatening, and rapidly growing beyond the control of the mayor and his small force, brave and determined as they were, I directed the First Division, under General Brinton, to hasten the proposed movement to that region, following immediately with other forces; and on the third of August, the railroads were once more put into regular operation. A body of troops, regular and militia, were stationed there until the early part of November, when all fears of any disturbances being removed, they were withdrawn. Slight outbreaks which had occurred in various other places had been easily suppressed, either by the local authorities or the presence of the United States or State troops; and before the middle of August all the railroads throughout the State were running on schedule time, and by the early part of November, all manifestations of lawlessness had disappeared. For full details of the military movements here outlined, I refer you to the report of the Adjutant General and accompanying documents.

When called upon, the Federal government promptly responded, and throughout the troubles the State was greatly indebted for the co-operation and moral sup-

port of the regular troops. Upon their final withdrawal, I addressed letters to the President and General Hancock, (which will be found in the Appendix,) acknowledging our sense of the services of the army, and the increased respect and appreciation of our people for its admirable conduct in the State.

#### CAUSES AND RESULTS.

Thus ended the great railway strike of 1877 in Pennsylvania, which resulted in violence, murder, and arson; which caused the deaths of over fifty civilians and five soldiers, and the wounding and maiming of a hundred or more, and the destruction of millions of dollars worth of property. While it is true that the workingmen, who began it, contemplated no such terrible results, it cannot be denied that the manner in which they proceeded to enforce their demands, by stopping inland commerce and seizing the property of corporations and individuals and driving citizens from their usual occupations, in defiance of law, made the breach through which the lawless elements of society poured to plunder and destroy. By thus inconsiderately inviting the co-operation of the criminal classes, labor did itself a great and grievous injury, and it will be long before it can remove the suspicion and distrust with which the people will view its strikes and organizations. Into the merits of the contest, it is not necessary to go: whatever be the rights of labor, the duty of the Executive is imperative. In the Message of 1876, were set forth the principles which govern the present administration in the discharge of this onerous duty, to which recent events have given additional emphasis: "No disobedience of regularly constituted authority will be permitted, whether on the part of individuals, corporations, or combinations of men. No sense of wrong, however grievous, will or shall justify violence in seeking indemnity therefor. The rights of



property must be respected, and no interference with its legitimate use will be tolerated. Every man must be allowed to sell his own labor at his own price, and his working must not be interrupted, either by force of intimidation. For grievances, fancied or real, redress must be sought in the manner the law provides, and no one must attempt to override its process. If citizens will recognize these principles as binding upon their consciences and actions, there can be no necessity for Executive interference to preserve the peace, and it must be understood, once for all, that any violation of private rights, or resistance to public officers when in the discharge of their duty, will be summarily dealt with, and if the civil authorities and the power of the county cannot maintain the supremacy of the law, then the whole power of the Commonwealth shall be employed, if necessary, to compel respect for authority."

As a sequel to the riots, the grand jury of Allegheny county entered upon an investigation, and summarily demanded the attendance of the Governor and the civil and military officers of the Executive Department to testify before it. As I did not think it the time or place for an impartial investigation of the troubles, or concede the right of the courts to command the attendance of a co-ordinate branch of the government, I refused to attend, and directed the civil and military officials to refuse also. The question was submitted to the Supreme Court, and its decision according with the views of the Department, all appearance of conflict between the judiciary and executive was happily averted. Should the Legislature deem it expedient to investigate the subject, all information in the possession of the Governor or the Department, if any, in addition to that contained in the Adjutant General's report, and the appendix hereto, will be promptly given.

Passing from these secondary matters, to the broader and deeper lessons of the strike, while there is much to cause solicitude, there is much, also, to awaken confidence in the final solution of the problem. While capital held labor in ignorance and bondage, strikes were rare. Their frequent occurrence is a proof that labor is growing, more and more, to an equality in strength and importance to capital. Intelligence has spread itself among the laboring classes, they have learned to read and write, and to interchange their views, and formed associations, according to their new lights, for their protection and advancement. And if in this, as in many other cases, "A little learning is a dangerous thing," it is yet better than no learning at all, and is the progressive step to higher intelligence. On the other hand, under the influence of civilization, wealth became more and more diffused, and corporations grew up to collect the large and small amounts of unemployed capital, to build the gigantic works and conduct the great industries required by modern society. These two results are the inevitable consequences of increased intelligence and civilization. These great corporations, from the character of the enterprises, are of necessity, in most cases, monopolies. As such, the people have a right to demand that while the profits may accrue to private individuals, their management shall rise above merely selfish aims, and consult also the public utility and welfare. It has come to pass that in the conflict between capital and labor, the former is almost wholly represented by corporations and the latter by various organizations.

The attitude of the people towards these two forces during the great strike has also deep significance. In the general sympathy for the strikers, dulled only by their own unlawful acts, the workmen have assurance that in all right and lawful efforts to better their condition they will have the aid of nearly all classes of

their fellow-citizens. And in the prejudices against corporations, those who control them may realize that the possession of great wealth and the control of great enterprises imposes obligations to the public which they cannot afford to ignore. In these facts, we can discern the two roads that may eventually lead to the final settlement of the contest—the diffusion of higher education among the workingmen, and the conviction, on the part of capital, that it has now to deal with an equal competitor, whose claims and rights, together with his own, must be decided and adjusted by arbitration. In this contest, the primary duty of the State is to keep the peace, and secondarily, so far as laws will avail, to hasten the consummation of the result.

#### INDUSTRIAL AND SCIENTIFIC TRAINING.

It is impossible to read the industrial history of the country without being struck with the decline of the system of apprenticeship, the decadence of skilled labor, and the rapid increase of common day laborers. Many causes may be assigned for these results. The invention of labor saving machines, the minute subdivision of labor, and the intense competition among producers and manufacturers have, no doubt, served to lessen the pride of the workman in his work, and made it impossible, in many instances, to give any time or opportunities to mere learners. To counteract these influences, the assistance of the State will be required. But another cause, arising from the misdirected efforts of the workingmen themselves, can only be removed with their co-operation. Trades unions and various labor organizations, which profess to elevate the condition of the laboring classes, have, in reality, materially contributed to impoverish and degrade them. Millions of dollars have been collected from workingmen and squandered in profitless strikes, during which other millions have been lost through en-

forced idleness, without even a transient effect upon the natural fluctuations of wages. The independence of individuals has been sacrificed to the tyranny of a class and they have gradually learned to depend for prosperity upon other agencies than their own personal industry and thrift. The regular education of skilled mechanics has been restricted by the same agencies, forcing the growing generations into the undistinguished mass of day laborers, the lowest and poorest paid of any class, and reducing the nation to the necessity of supplying its skilled labor from foreign countries. These things strike at the welfare of labor and the prosperity of the State. Even from the workingmen's standpoint, no good that it seems possible to derive from such means can compensate for their deteriorating effects upon the condition and morale of the laboring classes. The growth of the individual is dwarfed, his substance wasted and his children deprived of their rights. The doors of his own trade and all others are closed against them by his fellow-workmen, and they must enter another calling, or become the mere drudges of society. As long as the trades are closed, as at present, we must ever complain of over-crowded professions and commercial pursuits, of a lack of skilled mechanics and an excess of common laborers.

In this question, not only the workingmen, but the State, also, is deeply concerned. "The great warfare of the nineteenth century is industrial warfare; the struggle between great nations for supremacy in various industries, and for control of the various markets." Several foreign nations and a few of the States have foreseen the conflict and begun to educate their people. Pennsylvania has unrivaled resources, but unless she prepares for the competition, she must content herself with the production of raw materials, and her people become the hewers of wood and drawers

of water for more highly cultivated communities. The means must be the diffusion of technical knowledge among the laboring classes; securing the co-operation of the working men; creating new industries and diversified interests, and throwing the ways to honorable and lucrative employment open to all. The work of the school-master must undo the work of the demagogue, and the State supplant the bigoted organizations of labor with industrial schools and workshops. If the workingmen will spend the money now used in keeping up such organizations and lost in strikes, in keeping their children at such institutions and co-operating with the State, the dignity and average value of labor will be rapidly raised. Heretofore public education has been too much in the interests of a class. The influence of the old scholasticism has been powerful enough to overbear the force of modern industrial and scientific demands. The resultant has learned too much in one direction, and undue prominence has been given to professional and classical education over industrial and scientific training.

A thorough system of industrial training must embrace the children, the workingmen and the people. The children of skillful and prosperous mechanics might find in the primary schools instruction in mechanical and free hand drawing; and to those who are circumscribed by harder conditions, free night schools could furnish the opportunities of a slower advancement. Reform industrial schools, under a wise system of compulsory laws, could gather the children of utterly destitute or vicious parents and educate them for a useful calling, without contact, on the one hand, with acknowledged paupers or criminals, or lowering the public schools, on the other hand, with offensive poverty or low associations. In addition to the theory, it may be necessary for the State to afford practical training in the mechanical arts. It is not probable that the

old system of apprenticeship, which has gradually fallen into disuse, can ever be generally restored. Two causes alone would seem to be sufficient to prevent it. In the extensive modern workshops, the proprietor, or master mechanic or foreman can never find time to devote to the instruction of apprentices, who are consequently left to pick up, in a desultory manner, what little they learn, and in many industries the necessity of producing articles at the least labor and expense, to compete with others in the markets, requires the highest skilled laborers, for which they must depend upon the overstocked labor markets of the old countries, as they cannot afford to educate new hands. Believing that, under these circumstances, no remedy can be found except through the direct agency of the State, I renew my recommendation, contained in the message of 1875, for the establishment of workshops in connection with industrial schools, and beg leave to refer you to the current report of the Superintendent of Public Instruction for the proofs he has collected of the feasibility and advantages of the plan.

It will, perhaps, be a slow and difficult task to secure the co-operation of the present generation of workingmen. But, in all the large cities and towns, where that class is principally congregated, lecture and draughting rooms could be added to the night schools and such instruction given as would interest and benefit adults. Everything that will tend to recognize the importance and dignity of labor; that will excite the pride and emulation of the artisan in his work; convince him of the interest of the State in his welfare and the welfare of his children, and secure the fruits of his industry and thrift, should be done; and I am convinced that nothing will contribute so much to these results as the establishment of industrial and scientific schools and workshops by the side of our present high schools and academies. Finally, the ap-

preciation and demand of works of art and skill must keep pace with the capacity to create them. Museums, art galleries, and other public collections, are also important factors in industrial education. Accordingly, I took occasion last year to recommend the arrangement, for public exhibition, of the specimens collected by the Geological Survey, and to suggest that you consider the advisability of extending State aid to the Philadelphia Museum and School of Industrial Art. The latter institution has, during the year, opened free schools of drawing and design, and as the State, if it decides to add industrial education to the public school system, will need competent teachers in these branches, this fact gives it additional claims to the recognition of the authorities. I venture to hope that this subject will early engage your labors, and that the public school system will receive a symmetrical development corresponding with the conditions of a highly industrial age and the large and varied resources of Pennsylvania.

#### ARBITRATION.

If it is to the interest of the Republic that litigation should cease, it is still more to the interests of the people that the conflicts between different classes should be brought to a close. As it is becoming the public opinion of the civilized world, that the nations cannot afford to submit their differences to the costly arbitrament of the sword, so it is becoming the settled conviction that nothing can be gained by a war of classes, to compensate for the loss caused by the disturbance of all industrial relations, and the dangers threatened to individual independence and free institutions. And in many places the same idea is gaining ground among the trading classes for adjusting the conflicting claims of individuals. Since, therefore, arbitration has been successfully used to settle inter-

national questions, and even the petty disputes of individuals, why cannot the same peaceful agency be invoked to adjust the relations of capital and labor?

The subject, though important, is not new, but has floated in public discussion for some time, and no apology is needed for calling your attention to the suggestion made in the message of 1876. "Does it not seem practicable to appoint a court of arbitration, composed of three or more of the judges of our courts, as many operators, and a like number of the representatives of the working men, to whom could be referred the disputes arising between employers and employes, so that, at least, a full, fair, and impartial discussion could be had and the public enlightened upon the merits of the controversy; and, if there was no legal remedy, the force of public opinion would constrain the parties whose claims were arbitrated, to do justice to those who were wronged." Any plan is surrounded with difficulties, from the constantly changing relations of the great interests involved and the doubtfulness of securing a stable settlement with the proper opportunities of revision according to these varying conditions; but since labor now has organizations, and representatives by whom these organizations will be bound, it seems practicable to devise some plan by which all relations and disputes of capital and labor can be harmoniously adjusted.

#### POWERS AND RESPONSIBILITIES OF LOCAL CIVIL AUTHORITIES.

I have repeatedly represented to the people the reluctance with which the Executive resorts to military power, and urged upon the Legislature the necessity of devising some means of fixing the responsibility of suppressing local outbreaks upon the local civil authorities. At present, any sheriff or mayor can escape under the ambiguous provisions of the law, without



having made a single honest effort to preserve the peace. As a consequence, there is growing a pernicious tendency to rely upon the State. It has even been curiously argued that the arrival of the State troops supersedes the local civil authorities, and thereby suspends their functions as peace officers, and relieves them of all responsibility. The military is called in to aid, not to supersede, the civil authority. It would be a strange construction of the law by which the desertion of their sworn duties by the peace officers of municipalities would make the State authorities, who answer their call for aid, responsible for outrages committed by a mob in a policeless city.

The office of sheriff was formerly one of dignity and power; it has degenerated, standing without change in new conditions, until its main duties are those of a jailor and auctioneer. Some means ought certainly to be taken to clothe the office with its original importance and responsibilities. If, upon the written request of a certain number of competent freeholders of any city or county, having the qualifications to assure their standing and respectability, it was made obligatory upon the mayor or sheriff, under penalty of forfeiture of office, and fine or imprisonment, or both, to summon a sufficient number of citizens to lay aside all business, and serve under like penalties, I am satisfied that many disturbances which now require the interference of the military could be settled without its use. Any citizen of the Commonwealth can now be compelled to leave his business and travel its length or breadth in the interests of justice; surely, the preservation of order and the protection of life and property, will justify the exaction of the same service of a citizen within his own county. Such a law would also serve to fix the status of the inhabitants of the county. All who were loyal to the laws would at once respond; those who refused would thereby indicate their sym-

pathies for the rioters. If such an attempt should fail, the sheriff or mayor, or in default of these officers, the citizens themselves could, with reason, call upon the Executive, and no question, so far as the State was concerned could ever be raised as to the necessity for the use of troops.

The people have, happily, been so unaccustomed to the use of troops to enforce the laws, that much misconception exists regarding the real position of the military power in the polity of the government, and the relative duties of citizens and soldiers. A simple statement of these relations may enable the line between the friends and the enemies of law and order be drawn hereafter with precision and advantage. For the presence and use of troops, the Executive is responsible; of their necessity, he is the judge. The law clothes him with that power, and the discretion to use it; for its use or abuse, he is responsible alone to the representative of the people. The presence *de facto* of troops at the scene of a disturbance is *prim facie* evidence of their presence *de jure*. Whether they are there by authority or not, whether their presence is necessary or unnecessary, is no affair of the rioters or their sympathizers. The tribunal to decide that question is not a mob, or then; but the Legislature or the courts, and afterwards. For the time being, it is the duty of the authorities and all law-abiding citizens to co-operate with them in restoring order or suppressing violence. To resist them by force, upon any pretext, is insurrection or rebellion, and can result only in the final vindication of the law, in anarchy or the subversion of the government.

#### THE MILITIA.

The primary function of the State is to preserve the peace and guarantee, under the laws, the rights of persons and property. Your attention has already

been called to the necessity of increasing and defining the powers of sheriffs, and you will also consider the means of improving the instrument confided to the Executive. It has been the constant policy of the present administration to use the military power of the State only in the last resort. Unfortunately the weakness of the local civil machinery has made that necessity, of late years, frequent. Five times within seven years the militia has been called into one or another part of the State, and on all former occasions, its presence alone has been sufficient to restore order. During the late troubles it also, in the end, succeeded in removing the embargo upon the traffic of the State and protecting its citizens in the right to work, but, during its short campaign, certain deficiencies and faults in the system were made apparent.

There are three inherent defects in a militia system, which, although they may be reduced to a minimum, must always exist. In the first place, devoted chiefly to civil pursuits, a citizen soldiery must always be more or less affected by the sympathies of the community in which they live. No laws or codes can prevent the common soldiers from imbibing the principles and prejudices of the men they constantly associate with in their daily walks. In the second place, with comparatively little time and opportunity for battalion and regimental drill, they cannot be expected to have the steadiness of trained professional soldiers. Finally, in a volunteer organization, without pay, the inclinations of the men must always be considered in the selection of officers; there is never the same relative difference between them as in a regular army, and, on that account, there can never be the same absolute authority over the rank and file. The only alternative which will entirely obviate these defects is a regular standing army, disassociated from the people and trained to arms alone. Even if it were not un-

constitutional, such a force would be unnecessary for the State, and we must, therefore, exert ourselves to bring our present militia system to the greatest possible efficiency.

I have been thus solicitous to present the conditions of a militia campaign, because the conduct of our troop during the late crisis has elicited every variety of criticism, from mild censure to absolute condemnation, and because there has grown up in Pennsylvania a spirit of caviling at its militia, in marked contrast with the kindly feelings and pride manifested by other States towards their citizen soldiery. Now, that a temperate review of the facts may be made, I believe it will not be considered a partial judgment to say, that the conduct of the State troops during the late strike was, upon the whole, commendable and creditable. In Pittsburg, before a final decision, many considerations must modify our judgment. The conditions were not purely military. It was not simply a question of preserving a body of soldiery intact, of holding a position or defeating an enemy. Expecting to march into a friendly community, whose moral support would be cheerfully given them, they entered a practically hostile city, were denounced and threatened by press and people, and attacked by men who lurked in the security of a sympathetic crowd, and used women and children as shields and instruments. If, under such circumstances, their action lacked the energy and severity that purely military canons would have justified, it cannot be a matter of surprise, that having so long been accustomed to peace, they were unable to comprehend at once the sudden conditions of war. As it was, though not executed with the skilled precision of regular troops, the movement accomplished its purpose, and the failure to move the freight trains out of the city, to which more than any fact the subsequent burning is attributable, was

the result of the want of coöperation of an adequate and competent police, and the desertion, at the critical moment, of the railroad employes. The behavior of the Pittsburg troops, in a military sense, is without excuse; but was it any worse than the defection of officers and men in the regular army, who, in 1861, deserted their comrades in arms to join the communities in which they were born and bred? Such things are not military, they are political or social; and it cannot be expected that they should be judged by the severest military code. It was in fact the temporary excitement of unthinking men, carried away by the universal clamor around them. For that reason, when the burst of passion was over, I reinstated them; otherwise new troops would have had to be enlisted, while these might be trusted to have a keener sense of duty, from a desire to retrieve their fame. In the case of the Philadelphia troops, although disheartened by being placed on the defensive, and a part of the command demoralized by a too precipitate retreat, the general steadiness and obedience to orders under comparative hardships and in real danger, show them to have been composed of the best of soldiery material. The failure to subdue a city in insurrection against the laws is not to be attributed to the want of courage, capacity, or fidelity in the officers and men; but to a natural disinclination to take life indiscriminately, and the uncertainty as to how far, under the laws, they could exercise a purely military discretion. For myself, I have every confidence in the Guard, and shall not hesitate, if another occasion should unhappily arise, to rely upon its fidelity and courage. The after service of the Guard, when assembled together prepared for active campaigning, was all that could be desired. The fact that as many answered the call for a service likely to be long and dangerous, as assembled in the pleasant encampment at the Centen-

nial, is conclusive proof of the general zeal and fidelity of the troops.

Recognizing the exact conditions of the problem we have to solve, I invite your coöperation in making some desirable changes in the law, to better prepare the troops for active duty. The standing menace, in any future disturbance, that the railroads may be useless for transportation, either by the absolute refusal of the engineers and crews to man them, or from tracks being torn up or bridges burned, makes it necessary to fully equip the militia for long marches and the field. Except in one or two instances, the troops, although in receipt of the regular yearly allowance of money, were found provided only with uniforms and arms—all the equipments for active, continuous and independent service, blankets, overcoats, haversacks, canteens, &c., being in part or wholly wanting. A modification of the law is required to devote the fund to purely military purposes. The Executive has power by law to reorganize and reduce the National Guard, in accordance with the recommendation of the Adjutant General, but the action of the Legislature will be necessary to re-apportion the annual appropriation among the organizations, and confer authority upon the Adjutant General to issue the allowance in clothing and equipments or in money, in his discretion, as the service requires.

I earnestly recommend that pensions be given to the widows and families of those of the militia who fell in the service of the State. The public welfare demanded the service in which these men lost their lives, and justice requires that the State, which profited by the sacrifice, should contribute to the support of those who have been deprived, for its sake, of their natural protectors. I trust that, upon the broad principles of common justice, this recognition of devotion to duty will be universally conceded, and that Penn-

sylvania, who has been so generous to the orphans of her volunteers, will not be less than just to the widows and children of her militia.

#### WESTERN PENITENTIARY.

Last year the Legislature passed an appropriation to relieve the over-crowded condition of the Eastern Penitentiary. This year it will be necessary to do the same for the Western Penitentiary which institution has now eight hundred and thirty prisoners, with capacity for only four hundred, or, at the most, five hundred. Two, three and four convicts are necessarily confined in a cell, and, during the hot summer months, the crowded condition of the prison will certainly engender disease and death. The matter will require your immediate attention, and it may be necessary to take prompt action upon some plan for increasing the accommodations for the convicts of the western district, and providing for their safety and security.

#### ANTIETAM NATIONAL CEMETERY.

I have the honor to transmit a communication from the Honorable Secretary of War of the United States, enclosing an act to facilitate the transfer to the United States of the title to the Antietam National Cemetery, in the State of Maryland, now held by that State as trustee for the several States in interest, and requesting action upon the same. The United States has now organized, through the War Department, under an act of Congress, a uniform plan for the care and management of all cemeteries in which the soldiers who fell in the late war are buried, and by act of March 2, 1877, Congress authorized the Secretary of War to pay the outstanding indebtedness of the board of trustees of Antietam Cemetery, provided the legal title to the property shall be vested in the United

States. From information received, the cemetery has been very much neglected, and is in financial troubles. I, therefore, recommend that you pass the act prepared by the War Department, which, it is believed, will meet the requirements of the case, as speedily as possible.

#### GEOLOGICAL SURVEY.

During 1877, the geological survey of the State has been carried on with zeal and energy, and the results prepared for publication. Additional volumes will be issued in January, and other volumes and many important maps are in preparation.

For a detailed account of the labors of the commission, I beg leave to refer you to the informal report of the State Geologist, furnished at my request, which will be found in the appendix, herewith transmitted.

#### NAVIGATION OF THE OHIO RIVER.

The necessity of finding a market for the products of the West led, some years ago, to the appointment of a Commission from several States, including Pennsylvania, for the improvement of the navigation of the Ohio river. As the work is one of very great interest to the western section of the State, and indirectly to the entire Commonwealth, the Commission have asked the assistance of the Legislature, so far as to memorialize Congress upon the subject, and request the appropriation of sufficient money to carry out the project, and an appropriation from the State to pay the necessary expenses of the Commissioners appointed on behalf of Pennsylvania. The advantages and importance of the contemplated improvements will fully justify such action on your part, and I, therefore, recommend that the request of the Commissioners be complied with. •



## MUNICIPAL COMMISSION.

The Municipal Commission, appointed in 1876, has completed its labors, and the result will be laid before you in a well-digested act for the government of the cities of this Commonwealth. A copy, as finally revised by the Committee, was forwarded to the Executive Department, too late for a careful analysis. The scope, bearing and design of its general provisions and details will, no doubt, be fully set forth in the report of the Commission. Pending that, any discussion would be superfluous. Whatever may be the final judgment upon their work, there can be but one opinion of the painstaking and conscientious manner in which they have investigated the subject.

## BOARD OF PUBLIC CHARITIES.

Although crippled by the failure of its annual appropriation at the last session, the Board of Public Charities has zealously prosecuted its important work. The State and county institutions which have been visited have generally presented a steady progress toward a higher standard, which is very satisfactory, and creditable to the intelligent and systematic supervision which the Board has kept over the public charities of the State. The detailed work of the Board for the past year and its recommendations in reference to State aid to public institutions, and other subjects requiring legislative consideration, will be found in its annual report.

## MISCELLANEOUS.

I desire to call your attention to several subjects, which, if of less importance than those just discussed, are yet of sufficient moment to demand consideration. The present act fixing the fees of county officers, passed in 1868, has been so often modified by special provisions that there is no longer any uniformity in

its application, and a general revision of the bill is advisable. I think, indeed, that the salary provision might advantageously be extended to all the counties of the State whose population falls below the constitutional limitation of one hundred and fifty thousand. The bonds of Recorders of Deeds of the several counties, fixed by the act of March 14, 1877, is now wholly disproportionate to the business of the office, and I, therefore, recommend that the security for the faithful performance of the duties of their office and preservation and delivery of the records be readjusted and increased. In connection with the Geological Survey, it would be well to make arrangements for a topographical survey of the State, and the preparation of accurate maps by the United States Coast Survey Corps. It is said there is great doubt of the correctness of the present location of the boundaries and points of the State, and, as the expense would be slight, and the results trustworthy and valuable, and probably reimbursed to the State by the sale of general and local minutely detailed maps of the highest authority, I think it would be well to authorize the work. In the year 1867, the price of the pamphlet laws was raised from fifty cents to one dollar per volume. Since the adoption of the new Constitution, the volume has decreased in size, and much complaint is made at the charge. I recommend the passage of an act fixing the price, where the volume does not exceed one hundred and fifty pages, at forty cents; where it exceeds one hundred and fifty pages and does not exceed three hundred pages, at sixty cents; and for all volumes containing over three hundred pages, one dollar.

The commissioners appointed to select a site and build a hospital for the insane for the south-eastern district of Pennsylvania, have selected a suitable location, and are about adopting plans for the grounds

and building. The work will be pushed forward as rapidly as possible.

In conclusion, I beg leave to renew my recommendations of last year, concerning forests, exemption laws, poll taxes and board of health; to preserve to first; prevent the waiver of the second; to equalize the third and establish the last.

#### CONCLUSION.

Assembling after the grave events of the year and confronted by the great questions to which they have given prominence, it is scarcely possible to exaggerate the importance of your labors. I have endeavored to lay before you an authentic statement of facts, and point out wherein, in my judgment, the machinery of government can be improved. Whether or not, these views meet your approval, I heartily pledge, in advance, my cordial co-operation in any legislation that will give Pennsylvania a strong and just government, which can protect the good citizen in all his rights, and open to the ignorant, the prejudiced and even the criminal, the way to refinement and self-supporting industry. The Divine government that designs the salvation of the meanest of men should be our model, and we should earnestly strive to enlarge the circle of intelligence and prosperity until it embraces all classes of the people.

J. F. HARTRANFT.

Harrisburg, January 2, 1878.

SECOND GEOLOGICAL SURVEY OF PENNSYLVANIA.

December 26, 1877.

Governor J. F. HARTRANFT:

Dear Sir: I postpone a journey I had prepared for this morning to send such a statement of the survey as may meet your wishes.

With great respect and esteem,

J. P. LESLEY.

## REPORT.

The Geological Survey of the State has been steadily prosecuted during the year now closing, in Bucks, Montgomery, Berks, Lehigh, Lancaster, Cumberland, Adams, Franklin, Perry, Snyder, Union, Huntingdon, Centre, Blair, Fayette, Westmoreland, Indiana, Lawrence, Butler, Clarion, Warren, McKean, Potter, Lycoming, Sullivan, Wyoming, and Susquehanna counties.

Fourteen volumes have been published since the beginning of the survey. Four volumes are in press, two of which will be published in January. Three volumes will go to press in January. Nine will be prepared during the winter for printing in the summer of 1878. These last will represent the work of 1877.

Colored geological county maps of Westmoreland, Fayette, Allegheny, Beaver, and southern Butler, Potter, Tioga, and Bradford, are on the stone, and will soon be published with the current volumes. Similar maps of Lawrence, Lycoming, Wyoming, Sullivan, Susquehanna, Blair, and Cumberland, and probably Schuylkill, will be printed this winter.

Very large topographical contour-line maps of the limestone regions, with principal ore banks of the State, have been constructed, and are in the artist's hands. Similar maps of the mountains east of Reading and south of Carlisle are in progress. A very complete map of the mountain region between Williamsport and Lewistown is already half done.

More than one half of the State has been thoroughly surveyed. Every township in twelve of the western counties of the bituminous coal region and in six of the northern counties has been specially surveyed, with parts of eleven other counties in the north-west. Most of the important work of the survey has been done in the central belt of counties, and the rest will be done in 1878.

The south-eastern part of the State has received a good deal of attention, but a great part of their survey, which is peculiarly difficult, remains to be done.

A report on the oil region was published in 1876, which merely stated the main features of the geology of that important part of the State. A large collection of oil well records has this year been published, preliminary to the large and very complete report which Mr. Carl is now preparing. It will be copiously illustrated with maps and sections, and will be one of the most important contributions of the survey,

both to the business interests and to the scientific geology of the day.

The volume of railway and other levels has been long delayed by the difficulty of obtaining and the necessity of verifying the data. But it is now ready for the press.

A hand book of all the coal plants of the coal measures discovered up to the present time is in press.

A colored county geological atlas, which can be carried in the pocket, is also in preparation for the use of the citizens of the State.

The laboratory of the survey is always actively employed in making chemical analyses of ores, limestones, coals, clays, marls, and other minerals, collected by the geologists of the survey or sent in for examination by citizens.

The following contains the proclamations and orders and letters referred to in the message, and the most important of the dispatches received during the course of the events narrated:

#### THE RAILROAD STRIKE OF JULY, 1877.

Altoona, 7, 19.

Gov. J. F. H., Hbg.:

A No. of our train men at Pbg. have refused to work, and have, by a promiscuous mob gathered from the streets, and by the most severe threats against our men who are ready to work, succeeded in intimidating them and forcing them to get off their trains, and we are unable, by the aid of police furnished by authorities at Pbg., to move our traffic, which is suffering—especially live stock. I would respectfully urge that such protection be furnished, as will enable us to have possession of our road.

G. C. GARDNER,  
General Superintendent.

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Pittsburg, July 19, 1877.

Hon. M. S. Quay, Secretary of State, Beaver, Pa.:

Learning that Gov. Hartranft is absent from the State, I forward to you copy of dispatch sent to his address, at Harrisburg, for such action as you may deem proper.

R. H. FIFE,  
Sheriff of Allegheny Co.

Pittsburg, Pa., July 19, 1877.

Hon. M. S. Quay :

Sent following to Gov. Hartranft: A tumult, riot and mob exists on the Penna. railroad, at East Liberty and in the Twelfth ward of Pittsburg. Large assemblages of people are upon the railroad, and the movement of freight trains east or west is prevented by intimidation and violence, molesting and obstructing the engineers and other employes of the railroad company, in the discharge of their duties. As the sheriff of the county, I have endeavored to suppress the riot, and have not had adequate means at my command, to do so, and I therefore request you to exercise your authority in calling out the military to suppress the same.

R. H. FIFE,  
Sheriff of Allegheny county.

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Pittsburg, July 20, 1877—1.14 A. M.

Honorable John F. Hartranft:

A tumultuous mob exists on the Pennsylvania railroad, at East Liberty, in the Twelfth ward of Pittsburg. Large assemblages of people are upon the railroad, and the movement of freight trains, either east or west, is prevented by intimidation and violence, molesting, obstructing the engineers, and other employes of the railroad company, in the discharge of their duties. As the sheriff of the county, I have endeavored to suppress the riot, and have not adequate means at my command to do so. I therefore request you to interfere your authority in calling out the military to suppress the same.

R. H. FIFE,  
Sheriff of Allegheny county.

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West Philadelphia, July 20, 1877.

His Excellency Gov. Hartranft, on Western train, Ogden:

The situation of affairs in connection with the railways of the country, and the interference with all the freight trains and freight business of this company at Pittsburgh, is such that I think it is your imperative duty to return to the State at the earliest moment practicable. Genl. Latta and the officers of your government are taking very active and vigorous measures

to meet the difficulty, but your presence here will be a tower of strength, and, in the judgment of a number of your friends, is most indispensable. Will you come? Answer.

THOMAS A. SCOTT,  
President Penna. R. R.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Penusylva-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

A PROCLAMATION.



Whereas, It has been represented to me by the proper authorities of Allegheny county, that riotous demonstrations exist in the city of Pittsburg and various points along the line of the Pennsylvania railroad company, whereby the property of said company and the lives of its employes are put in jeopardy, and the peace and good order of the community broken, which the said civil authorities are wholly unable to suppress.

And whereas, The Constitution and laws of this Commonwealth authorize the Governor, whenever, in his judgment, the same may be necessary, to employ the militia to suppress domestic violence and preserve the peace.

Now, therefore, I, John F. Hartranft, Governor of the Commonwealth of Pennsylvania, do hereby admonish all good citizens, and all persons within the territory and under the jurisdiction of the Common-

wealth, against aiding or abetting such unlawful proceeding, and I do hereby command all persons engaged in the said riotous demonstrations, to forthwith disperse and retire peaceably to their respective places of abode, warning them that a persistence in violence will compel resort to such military force as may be necessary to enforce obedience to the laws.

Given under my hand and the great seal of the State, at Harrisburg, this twentieth day of July, in the year of our Lord one thousand eight hundred and seventy-seven, and of the Commonwealth the one hundred and second.

By the Governor:

M. S. Quay,  
Secretary of the Commonwealth.

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Laramie City, Wy., July 20, 1877.

To. Genl. J. W. Latta and C. N. Farr:

Spare nothing to protect all persons in their rights under the Constitution and laws of the State, in accordance with the policy heretofore adopted. Am on the train to Ogden.

J. F. HARTRANFT.

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Harrisburg, Pa., July 20th, 1877.

Received at Antelope, July 20, 1877.

Gov. J. F. Hartranft:

Mob stopped all freight trains at Pittsburg. Sheriff called for troops. Ordered Pearson to take charge, and put one regiment on duty. Says he may need more.

JAMES W. LATTA.



Cheyenne, Wy., 20 July.

To Genl. J. W. Latta, care Gen. A. L. Pearson, Pitts.:

Order promptly all troops necessary to support the sheriffs in protecting moving trains on B. & O. R. R. Go to Pittsburgh and keep supervision of all troops ordered out. Will be due at Ogden to-morrow at six o'clock. In the meantime, en route. Let me know the situation.

J. F. HARTRANFT.

Pittsburg, Pa., July 20th, 1877.

Gov. John Hartranft, Ogden:

No difficulty on Baltimore and Ohio R. R. in Penna. Strike extended to Penna. R. R. Trains stopped at Pittsburg by rioters, numbering two or three thousand.

Genl. Pearson has six hundred men under arms guarding property. General Brinton will be here to-day with twelve or fifteen hundred men. Movement will be made immediately on his arrival to open road, and we expect to do so without bloodshed.

I will be at Union hotel, Pittsburg, until order is restored. Keep me advised of your movements. If your presence is needed, I will promptly wire you.

JAMES W. LATTA.

Pittsburgh, Pa., July 21, 1877.

Gov. John F. Hartranft, on special:

Have telegraphed Scott situation is such that it looks as if Pennsylvania roads might not be free yet. No changes since to-day's dispatches, except burning a few cars and railroad houses to-night.

JAMES W. LATTA.

Ogden, July 21, 1877.

Genl. J. W. Latta, Pittsburg:

Dispatch received. Unless I hear from you to

change my mind, I will take first train to Pittsburg. There must be no illegal interference with any person willing to work, and to this end act promptly, that it may be done without bloodshed.

J. F. HARTRANFT.

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Pittsburg, Pa., via Philadelphia, July 21, 1877.

Gov. J. F. Hartranft, Salt Lake:

A collision has occurred here, between the strikers and the troops. Number of persons have been killed and wounded. Intense excitement prevails in city, and there are indications of further bloodshed, and that the trouble will be wide spread and protracted. I suggest that you return, allowing your party to go forward.

M. S. QUAY.

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Salt Lake, 21.

To Genl. J. W. Latta, Pgh:

Leave here in special at once, and will be in Omaha on Monday afternoon. Telegraph Scott to arrange likewise for me from Omaha by the quickest route to Pittsburg, and let me the situation as I am en route.

J. F. HARTRANFT.

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Creston, Wy., 22.

To Gen. J. W. Latta, Pgh:

Order out all troops of the State.

J. F. HARTRANFT.

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Medicine Bow, Wyoming Territory, July 22.

To Gen. J. K. Sigfried, Pottsville, Pa.:

Concentrate your division at Harrisburg, and pro-

tect State property, unless you have been otherwise ordered, and the situation would seem to dictate differently.

J. F. HARTRANFT.

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Pittsburg, Pa., July 22d, 1877.

Gov. John F. Hartranft, on special train west of Omaha—Cheyenne:

There is, from Colonel Scott again, a pressing telegram, requesting a call upon the President for aid, upon which subject there will be a cabinet session to-day. The situation does not improve. This city is in the hands of a mob; the First division, after stiff fighting for about fourteen (14) hours, have retired to a point near Sharpsburg, pursued vigorously by the mob to the high bridge at that point, under a hot fire pretty nearly all the way, but they effectually checked the attack. All railways are blocked, and no other troops can be gotten here. The Fourteenth (14) and Nineteenth (19) regiments have returned to their homes, and the Eighteenth (18th) is the only command on duty here. Roads are blockaded at all points, and no trains carrying troops are allowed to pass. Colonel Scott also reports that the mob is also collecting at Altoona, Harrisburg and Columbia, and will, possibly, in a few hours, extend further east. There have been twelve soldiers reported killed in First division while retreating, and some fifteen wounded. The loss among the rioters has been severe, said to be about fifty killed. This comprehends the situation as we have it. Please give us specific directions as to whether a call for United States troops shall be made.

JAMES W. LATTA,  
Adjutant General.

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Pittsburg, Pa., July 22, 1877.

Gov. J. F. Hartranft, on special train west Omaha:

General situation over State such that I must return to Harrisburg. Have to go by way of Erie. So thinks Quay.

You had better come to Harrisburg. Won't it do to have Lear and Read come there, instead of Pittsburg.

JAMES W. LATTA,  
Adjutant General.

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Beaver, Pa., July 23, 1877.

Gov. John F. Hartranft:

Since my last, burning of property has continued in Pittsburgh. Depot, grain elevator, miles of cars, buildings and almost all property of P. R. R. pillaged and destroyed.

Harrisburg arsenal was threatened, but we got troops in time to save it. Mob has possession of P. R. R. at Harrisburg round houses and depot; also West Philad'a yards, Philad'a & Reading depot, and it is also reported by Col. Scott that the Reading, Lehigh Valley, North Penna, Phila., Wilmington & Baltimore will be under the special charge in twelve hours, and a thorough strike inaugurated everywhere. No parallel in history of the world upon the strength of what we saw at Pittsburgh, what was reported as existing elsewhere, and what doubtless now exists everywhere.

Colonel Quay and I, after consultation, called in your name upon the President for troops, after having resisted entreaties from all quarters to do so. For several days citizens and business men, and others of military experience, were of opinion that it would take ten thousand men to quell the Pittsburgh mob.

JAMES W. LATTA.

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West Philadelphia, Pa., July 22, 1877.

His Excellency Gov. Jno. F. Hartranft:

Harrisburg is in the hands of the mob. All trains stopped. The Reading R. R., at Thirteenth and Callowhill, is in the hands of a large mob.

Our yards at Mantua, West Phila., are in the hands of a mob, and orders issued by them to stop all shops and trains and everything else in motion. There is no doubt the Lehigh Valley and Navigation and all other roads will be stopped by to-morrow night.

If you have not sent your communication to the President direct, please do so immediately, so that we may have it tonight. You must not delay a moment about this, for the destruction of life and property in Philada. and the eastern road

of this State greatly exceed what has occurred in western part of the State last night and to-day, and which greatly exceeds any thing that has ever occurred in this country; but first send your message to the President.

Your Adjutant General, Secretary of State, and staff were obliged to leave Pittsburg suddenly, and are now on the river somewhere.

THOMAS A. SCOTT.

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Pittsburg, Pa., July 24, 1877.

Gov. Hartranft, on 4 sp.:

We bid you welcome home, and assure you a safe passage over Fort Wayne road.

R. A. AMMOND.

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Pittsburg, Pa., July 24, 1877.

Hon. M. S. Quay, Beaver, Pa.:

Many leading citizens request that the Governor stops a short time. What train and route. Advise me time of arrival.

JOSEPH BROWN.

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Pittsburg, Pa., July 24, 1877.

Hon. M. S. Quay, Beaver, Pa.:

There is a meeting of leading merchants at Bank of Pittsburg. Want to see Governor. He must stop.

JOSEPH BROWN.

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Pittsburg, Pa., July 24, 1877.

M. S. Quay, Beaver, Pa.:

I think the Governor ought to stop over here to-night. Will be at depot.

GEO. LEAR.

Pittsburgh, Pa., July 24, 1877.

His Excellency Jno. F. Hartranft, Governor of Pennsylvania,  
on train, in care of Colonel Quay, Beaver, Pa.:

Do not fail to stop and meet our citizens; they are greatly excited over a rumor that you do not intend to do so. It is of the utmost importance that you should stop. Your presence as Governor, your skill as a military commander, and your advice and council, would add most largely to the restoration of popular confidence, and we hope certainly to have you with us.

JNO. KIRKPATRICK,  
JNO. HARPER, Chairman of Committee,  
G. JOHNSTON,  
JOS. McCUNE,  
JNO. B. GUTHRIE,  
GEO. A. BERRY,  
JNO. H. BICKELSEN,  
JNO. D. SCULLY.

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Pittsburgh, Pa., July 24, 1877.

Gov. Jno. F. Hartranft, care Col. Quay, Beaver, Pa.:

Don't fail to stop here. Our citizens will never forgive you if you do not. They have telegraphed you.

JNO. M. KIRKPATRICK.

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Pennsylvania, ss:

[Signed] J. F. Hartranft.




wealth.

IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

To the people of the State of Pennsylvania:

A PROCLAMATION.



Whereas, There exists a condition of turbulence and disorder within the State, extending to many interests and threatening all communities, under the impulse of which there has grown up a spirit of lawlessness requiring that all law observing citizens shall organize themselves into armed bodies for the purpose of self protection and preserving the peace.

Therefore, I, John F. Hartranft, Governor of the State of Pennsylvania, do hereby recommend that all citizens shall organize themselves into associations, with such arms as they can procure, for the purpose of maintaining order and suppressing violence; and all good citizens are warned against appearing in company with any mob or riotous assembly, and thus giving encouragement to violators of the law.

Given under my hand, and the great seal of the State, at Harrisburg, this twenty-fifth day of July, Anno Domini one thousand eight hundred and twenty-seven, and of the Commonwealth, the one hundred and second.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

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Head-quarters National Guard of Pennsylvania,  
Adjutant General's Office,  
Philadelphia, July 26, 1877.

General Orders No. 3.

First. During the existing emergency, in all cases, troops are to be moved in compact bodies, and under

no circumstances is firing to be permitted, except by order of the officer in immediate command.

Second. All other means of quieting riots and restoring order having first been exhausted, the officer commanding the troops shall notify the rioters that they will be fired upon unless they promptly disperse. The order to fire will then be deliberately given, and every soldier will be expected to fire with effect. The firing will continue until the mob disappears.

Third. Officers in command of troops will report to these headquarters the names of all citizens who have attempted, or may attempt to dissuade members of the National Guard from the discharge of their duties. All such persons should be arrested, if possible.

Fourth. Head-quarters, after two o'clock P. M., to-day, will be in special car on Pennsylvania railroad. All communications will be addressed accordingly:

Fifth. General officers will publish these orders not only to their troops, but the public generally.

J. F. HARTRANFT,

Governor and Commander-in-Chief of N. G. of Pa.  
Official:

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R. B. Hayes, President, Washington, D. C.:

I invite your attention to the following telegram just received. The committee of safety represents the business and capital of the city, and is practically in control there at present.

Pittsburg, July 26, 1877.

To Governor Hartranft, Philadelphia:

The unanimous judgment of the committee of safety is that the peril in which our city stands demands that the President be strenuously urged to place here immediately a prominent army officer of nerve and judgment to take charge of the entire



situation in this city and county, and the committee ask your immediate attention in this matter.

(Signed)

WILLIAM G. JOHNSTON,  
Chairman.

The programme arranged by General Hancock, General Schofield, and myself, will be promptly and vigorously carried out,

J. F. HARTRANFT,  
Governor of Pennsylvania.

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July 28, 77.

Genl. W. S. Hancock, St. George Hotel, Philadelphia:

Believe that the Penna. railroad (Pittsburg to Philadelphia) will be able to run all freight trains by Tuesday, and, perhaps, on Monday. If so, we will, as you suggest, turn our attention to other sections of the State.

J. F. HARTRANFT.

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Hbg., July 25, 77.

Robt. H. McKune, Mayor, Scranton, Pa.:

The Governor will be here at one o'clock. Let things remain in statu quo, and do not precipitate a collision.

C. N. FARR, jr.

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Scranton, Pa., July 25, 1877.

Hon. J. F. Hartranft, Gov.:

We want to run mail through, but supt. of D. L. and W. R. R. will not allow us to do so. Answer.

BROTHERHOOD FIREMEN AND BRAKEMEN.

7, 25, 77.

Supt. D. L. and W. R. R., Scranton:

Would advise that you let mails run through.

J. F. HARTRANFT.

July 25, 1877.

General E. S. Osborne, Wilkesbarre, Pa.:

Where are your troops, and what movements do you propose to make? Would prefer to do as little as possible in your section for the present.

J. F. HARTRANFT.

Wilkesbarre, Pa., 7, 26, 1877.

To Governor Hartranft, Philadelphia:

At Wilkesbarre with Ninth, Telford, and artillery. One company at Pittston. Propose to remain quiet until change in situation, or until reinforced. Except Scranton may require attention. Few days will exhaust provision, when no once can conjecture for the future.

E. S. OSBORNE.

Scranton, Pa., July 25, 1877.

To His Excellency John F. Hartranft:

The strikers have taken the coaches off of the mail train, and will not allow them to proceed.

I am unable to assist the company in getting the train started.

ROBERT H. MCKUNE,  
Mayor.

7, 25, 77.

Maj. Gen. E. S. O., Wilkesbarre:

Mayor McKune has been advised that your forces

have been ordered out to aid civil authorities. He reports strikers taking coaches off mail trains, and will not allow them to proceed, and that he is unable to assist company. He will communicate with you. Have advised sup't D. L. & W. to let mails run through.

J. F. HARTRANFT.

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Wilkesbarre, Pa., July 25, 1877.

Gov. Hartranft.

There is not flour or provisions enough in this (Wyoming) district to last one week. We are informed that at Scranton the situation is no better. Unless some means are adopted to open up western communication by rail, there will be serious trouble here. The situation is very grave, and demands urgent attention.

Very respectfully,

CONYNGHAMS & PAINE.

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Scranton, July 29, 1877.

To Gov. Hartranft:

Pumps will start to-morrow. Send no troops until you hear further from me. Am in hopes of a peaceful settlement.

R. H. MCKUNE,

Mayor.

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Pittsburg, July 29.

Col. Thos. H. Scott, Philadelphia, Pa.:

Will you be pleased to communicate, by telegraph, with the officers of the coal roads whose mines and trains have been stopped, and ask them, in my name, to be patient under these interruptions of their business until the civil authority has been fully established here. I am confident this result will be attained within a short time, and I am now in a position to move with a large and effective force of military, at

a moment's notice, to any point in the State; and if any outbreak takes place, I feel myself perfectly competent to suppress it. Among the troops in my command are many engineers and artificers, and I can run my own trains and make repairs to roads that may be needed, and, therefore, no serious or prolonged interruptions to my movements can take place. The situation here is promising, and I trust that the trains will be permitted to run to-day and to-morrow, and that no further detention through the interference of a mob will happen. The moral effect of starting the trains here cannot but make a good impression throughout the whole Commonwealth, and to accomplish this result must, therefore, be my first effort. This mob violence was here first inaugurated, and must be here first crushed out, and the law made supreme; but, mean time, if any serious uprising takes place at other points, I will speedily dispatch troops to those points.

J. F. HARTRANFT.

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Wilkesbarre, Pa., 30, 1877.

To Gov. John F. Hartranft:

All railroads stopped. No trains running. Miners all out. Business at stagnation. No violence has been resorted to yet, but may be at any moment. Can hold things level here, and if reinforced with a regiment like the First, can take care of the whole region. Send me the First, if you can. Don't think wise to send field action by telegraph.

E. S. OSBORNE.

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7, 31.

C. N. Farr, jr.:

The Gov. desires that you gather what information you can concerning the gen'l situation of things in the eastern part of State which w'd be of interest, and let him have it. If

you find it necessary, in pursuit of your investigations, you can visit such points as needed.

J. W. L.

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Harrisburg, Pa., 31, 1877.

Gov. Jno. F. Hartranft, Hd-qrs:

With exception of Luzerne county, matters in eastern Penna. have returned to normal condition. Philadelphia is orderly. In Reading all danger is over, and civil authorities are rapidly arresting rioters. About fifty are now in jail. The citizens support General Reeder's action, and believe the firing of his troops prevented great destruction of property. Two of leaders of rioters were killed. The P. & R. R. is running trains, and the bridge will be ready for trains in two weeks. At Harrisburg all signs of disorders have disappeared. Forty arrests have been made, and the authorities are rapidly ferreting others. There is no doubt of their conviction of majority of prisoners, both in Reading and Harrisburg. Capt. Linden assures we there are no fears of an outbreak in Schuylkill, unless irruptions of striking miners from Luzerne force the men in Schuylkill to quit work. Gen. Sigfried's advices from Pottsville are to same effect? In Luzerne affairs are threatening. The Lehigh Valley R. R. has not resumed, and trains are stopped on other roads by miners. Engineers driven from pumps, and mines are flooding. In Wilkesbarre there is said to be a scarcity of provision, owing to interrupted transportation, and fears are felt of disturbance on that account. A concentration of troops in Luzerne, to give control of property, open traffic, and protect workmen, would remove the last vestige of lawlessness in eastern Pennsylvania. There are two hundred regulars in Reading. Available troops can be taken from Harrisburg or Reading without danger. If tonight's advices indicate the necessity, I will go to Scranton and Wilkesbarre to-morrow, if I can get there.

C. N. FARR, jr.,  
Private Secy.

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Wilkesbarre, Pa., July 31, 1877.

To His Ex. J. F. Hartranft:

Trains are stopped by mobs on D. L. & W. and L. & B. R. R. The railroad men are helpless.

STANLEY WOODWARD.

Wilkesbarre, Pa., Aug. 1, 1877.

Gov. Hartranft:

We need something decided, and we want it at once. We are in the hands of a mob.

S. W.

Harrisburg, Pa., 11.30, P. M.

To Gov. J. F. Hartranft:

In answer to my dispatch of yesterday, Sheriff Kirkendall, of Luzerne, telegraphs as follows: "All travel and communication by railroad stopped. Rumors that Lehigh Valley road resumes to-day. There has been no riots so far, nor destruction of property, except incident to stopping mines. Work in mines all stopped; men on strike." I report no immediate apprehension of danger. There are some five hundred troops—National Guard—encamped here—Wilkesbarre. . . . . telegraphs from Kingston, July 31st, that Kingston, Plymouth and Nanticoke have been entirely in the hands of mob since last night. If anything is being done to master it, I don't know it. Last night, thirtieth, they mobbed a passenger train at Plymouth. Have been ready all day to do so again, if one moved. This afternoon, thirty-first, at Nanticoke, the mob stopped all the pumps at the mines. The citizens are powerless to act; those in authority don't.

C. N. FARR, jr.,  
Private Secy.

Scranton, Pa., August 1, 1877.

To Gov. Hartranft:

Mob have partly taken possession of the town. I was assaulted, and sent to my committee for assistance. Mob attempted to follow me up, when three or more were killed. Come to my assistance.

R. H. McKUNE,  
Mayor.

Scranton, Pa., Aug. 1, 1877.

To Gov. Hartranft:

How soon can I expect troops.

R. H. McKUNE,  
Mayor.

Aug. 1, 1877.

R. H. McKune, Mayor of Scranton:

Keep quiet; will be with you in the morning.

J. F. HARTRANFT.

Pittsburgh, August 1, 1877.

General R. M. Brinton:

Turn your column towards Scranton by the most feasible railroad communication, and report to me the movement. It is important that you move with the utmost dispatch.

J. F. HARTRANFT.

Altoona, August 2, 1877.

General R. M. Brinton:

Push on with all haste, but great caution, and keep your command intact. Arrest all rioters. Be ready to push out flankers when train stops, and should you meet strong force, hold them, and, if possible, strike them on flank with compact body.

J. F. HARTRANFT.

Harrisburg, Pa., 1, 1877.

Gov. Hartranft:

All trains in Luzerne stopped; whole county in hands of rioters, and mine pumps stopped generally; riot in Scranton. The First division left for Northumberland at three thirty this afternoon, I presume in accordance with your orders. The two hundred regulars in Reading can be spared; if needed. They can go to Catawissa and over.

C. N. FARR, jr.,  
Private Secy.

Aug. 1, 1877.

To Genl. W. S. Hancock, Phila.:

Reported riot at Scranton. Have ordered First division, two thousand men, to proceed at once. If no accident occurs they will reach there to-night. Have arranged to leave here two thousand State troops and the regulars. Will leave here with twelve hundred State troops as soon as transportation is secured. All my troops will have to go from Northumberland to Scranton. Whatever regulars you may be able to send I would like to co-operate.

J. F. HARTRANFT.

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Philadelphia, Pa., 8, 2, 77.

Gov. J. F. Hartranft:

Your dispatch was received. I had not previously heard from you since the thirty-first. I am glad to hear quiet in the Luzerne coal region, and that no more troops seem to be needed there at present. I am sending command by two routes, in the Lehigh Valley, to be used in aid of the U. S. Marshal, in enforcing the orders of the court, application having been made to, as I advised on the night of the 30th, for this purpose. I only delayed sending them in order that I might make a similar simultaneous movement with you on Thursday, this evening, knowing that our movement would have greater effect if made in that way. You will, however, find the troops well placed, in the event of further trouble at the mines. If you should need their service hereafter, please telegraph me.

HANCOCK,  
Maj. Genl.

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8, 2, 77.

Gen. W. S. Hancock, St. George Hotel, Philada.:

My judgment is that the regular troops, referred to in your despatch of yesterday, should be sent on to Wilkesbarre. Their presence there will have a good effect. In the meantime, if they should be called upon



to perform the special duty they have been asked to, their position will be such that they can speedily render it. How many will there be? in order that I may have quarters arranged for them in Wilkesbarre.

J. F. HARTRANFT.

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Washington, D. C., Aug. 14, 1877.

Gov. Jno. F. Hartranft,  
Harrisburg, Pa.

Please advise me whether in your judgment the emergency, to meet which federal troops were sent to your State, has passed, at the earliest convenient season. I propose to issue orders for their disposition.

GEO. W. McCRARY,  
Secr'y of War.

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Harrisburg, Aug. 15, 1877.

Hon. Geo. W. McCrary,  
Secretary of War, U. S.

The emergency for which Federal troops were brought into this State is over, but the situation in the mining regions is still very critical, and for prudential reasons I request the retention, for the present, of such forces as are not needed elsewhere.

J. F. HARTRANFT,  
Gov. of Penna.

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Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, October 19, 1877.

Sir: I have the honor to inform you that all reasons for the presence of United States troops in Pennsylvania have ceased to exist with the general resumption of work, and they can be assigned to quarters or other duties, without risk to the order of the community.

From the time of their prompt arrival, they have been of invaluable service, and the quiet, determined, and considerate manner in which their delicate duties have been discharged has earned for General Hancock and the officers and men under his command in this State the thanks and respect of the people of Pennsylvania, and strengthened the appreciation of the worth and efficiency of the regular army.

I have the honor to be

Your very obedient servant,

J. F. HARTRANFT.

To R. B. Hayes, President of the United States, Washington, D. C.

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Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, October 19, 1877.

General:—I have the honor to inform you that I have to-day written to the President of the United States that the necessity for the presence of troops in the field in Pennsylvania has passed, and they can be assigned to quarters or other duties without risk.

In doing so, I have taken great pleasure in expressing the thanks of the citizens of Pennsylvania, for the considerate and determined manner in which you, the officers and the men in your command, have performed your duties, in which you have done the State invaluable service, and added to the character of the army, as the final conservator of law and order.

Permit me to add my personal acknowledgments to yourself, for your prompt and patient courtesy in all official and personal relations.

I have the honor to be,

With the greatest esteem,

Yours very truly,

J. F. HARTRANFT.

To Gen. W. S. Hancock, U. S. A., commanding Military Division of the Atlantic, New York city, N. Y.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, October 30, 1877.

To the Hon. John M. Kirkpatrick, Judge, Court No. 2,  
Allegheny county:

Your Honor: I have been served this day with a subpoena, in the case of Commonwealth vs. A. L. Pearson, now pending before the grand jury of the court of oyer and terminer of Allegheny county, with notice that my attendance is required on Wednesday morning the 31st inst.

Although you will permit me to express surprise that the name of the court has been used to evade or forestall the decision of the case now pending in the Supreme Court, to be heard on Thursday, the 1st proximo, involving the right of the judiciary to command the attendance of the Governor and officers of the Executive Department, I beg to assure you that my refusal to obey the summons arises from no disrespect to the honorable court, or any desire to obstruct or delay the administration of justice. I do not object to giving all facts in my possession necessary to the crimination or defense of any person concerned in the riots of last July, reserving my constitutional right to judge of the expediency, but simply deny the right of a co-ordinate branch of the government to compel the attendance of the Executive officers, or investigate the manner in which, in their discretion, they have performed their official duties.

For the purpose of settling this question, involving the independence and relations of two important branches of the government, the Attorney General has appealed to the highest judicial tribunal of the Commonwealth, by whose decision I have elected to be guided, although, perhaps, an extreme regard for the dignity and independence of the Executive might justify the assumption that the decision of the pro-

priety of recognizing the authority of a co-ordinate branch lies entirely in the breast of the Executive. It was presumed that the court, equally with the Governor, was desirous of preserving the proper relation and harmony of the two branches of the government, and would leave the case to be settled by the Supreme Court. But a subpoena, framed to avoid the technicalities pointed out by the Attorney General, but necessarily involving the same principle, has been served on the Executive officers, which, if obeyed, will evade a decision of the higher tribunal. Pending the decision in that issue, I have refused to recognize the said subpoena.

All the military movements will be reported to the Adjutant General by the officers in command, and, together with all orders issued, will be made public in his annual report. Should there be any other information required, the Legislature can openly investigate, and that body, and not the grand jury of Allegheny county, is conceived to be the proper tribunal to inquire into the manner in which the Executive functions have been performed. As the question will be raised by my action alone, the officers connected with the Executive Department will answer the subpoena to testify in the case to the facts which came within their observation as private citizens.

As to their knowledge of matters connected with their official duties, or the action of the branch of the government to which they belong, they cannot be compelled to testify any more than the Executive himself.

When summoned in their official capacity, the civil and military officers of the department were instructed not to obey, but as they have been now summoned in their private capacity, in a definite case pending before the court, and not as a quasi investigation, it is believed that no injury to the public service can result from their testimony, or any conclusions prejudicial

to the rights or interests of the Commonwealth can be drawn therefrom.

I have the honor to be,  
Yours, very respectfully,  
JOHN F. HARTRANFT.

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To the Senate Nominating Trustees of the Hospital  
for the Insane at Danville.

Executive Chamber,  
Harrisburg, January 2, 1878.

Gentlemen:—

**I**N CONFORMITY WITH THE LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named gentleman to be trustees for the hospital for the insane, at Danville, for the term of three years, viz:

W. A. M. Grier, Hazleton, Luzerne county, Pa.

Dr. B. H. Detwiler, Williamsport, Lycoming county, Pa.

J. F. HARTRANFT.

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To the Senate Nominating John L. George a Member  
of the State Board of Agriculture.

Executive Chamber,  
Harrisburg, January 9, 1878.

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John L. George, of the county of Washington, to be a member of the State Board of Agriculture, for the term of three years.

J. F. HARTRANFT.

To the Senate Nominating William N. Ashman  
Judge of the Orphans' Court for the City and  
County of Philadelphia.

Executive Chamber,  
Harrisburg, January 9, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, William N. Ashman, to be  
judge of the orphans' court for the city and county of  
Philadelphia, until the first Monday in January, 1879.

J. F. HARTRANFT.

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To the Senate Nominating Clement B. Penrose  
Judge of the Orphans' Court for the City and  
County of Philadelphia.

Executive Chamber,  
Harrisburg, January 29, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate, for the advice and con-  
sent of the Senate, Clement B. Penrose, to be  
judge of the orphans' court in and for the city and  
county of Philadelphia, until the first Monday in Janu-  
ary, 1879.

J. F. HARTRANFT.

To the Senate Nominating Rev. Charles L. Ehrenfeld State Librarian.

Executive Chamber,  
Harrisburg, February 1, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Rev. Charles L. Ehrenfeld, to be State Librarian for the term of three years, from the first Monday in February, 1878.

J. F. HARTRANFT.

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To the Senate Nominating Managers of the Western Pennsylvania Hospital at Dixmont.

Executive Chamber,  
Harrisburg, February 26, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John Scott, of the county of Allegheny; D. B. McCreary, of the county of Erie; and Charles E. Boyle, of the county of Fayette, to be managers of the Western Pennsylvania Hospital, at Dixmont, for the term of one year.

J. F. HARTRANFT.

To the Senate Nominating Inspectors of the State Penitentiary for the Eastern District.

Executive Chamber,

Harrisburg, February 26, 1878.

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentleman to be inspectors of the State Penitentiary for the eastern district of Pennsylvania, for the term of two years, viz:

Richard Vaux, Charles Thompson Jones, Alexander Henry, Thomas H. Powers, and John M. Maris, all of the city of Philadelphia.

J. F. HARTRANFT.

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To the Senate Nominating John R. Coxe Commissary General of the National Guard.

Executive Chamber,

Harrisburg, February 26, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John R. Coxe, of the city of Philadelphia, to be Commissary General of the National Guard of Pennsylvania.

J. F. HARTRANFT.



To the Senate Nominating Members of the Board of  
of Public Charities.

Executive Chamber,  
Harrisburg, February 26, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to members of the Board of Public Charities, for the term of five years, viz:

W. Bakewell, of the county of Allegheny.

G. Dawson Coleman, of the county of Lebanon.

George Bullock, of the county of Montgomery.

J. F. HARTRANFT.

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To the Senate Nominating Charles E. Taylor President Judge of the Thirty-fourth Judicial District.

Executive Chamber,  
Harrisburg, February 26, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles E. Taylor, of the county of Venango, to be president judge of the twenty-fourth judicial district, and William H. Jessup, of the county of Susquehanna, to be president judge of the thirty-fourth judicial district of Pennsylvania, until the first Monday in January, 1879.

J. F. HARTRANFT.

To the Senate Nominating Hiram Corson a Trustee of the Pennsylvania State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, February 26, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Hiram Corson, of the county of Montgomery, to be trustee of the Pennsylvania State Lunatic Hospital, at Harrisburg, for the term of three years.

J. F. HARTRANFT.

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To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, March 18, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor to nominate for the advice and consent of the Senate, Daniel Eppley, of Harrisburg, and John M. Pomeroy, of Chambersburg, to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg for the term of three years from February 1, 1878.

J. F. HARTRANFT.

To the Senate Concerning the Report of the Pennsylvania Board of Centennial Managers.

Executive Chamber,  
Harrisburg, March 20, 1878.

Gentlemen:—

I HAVE THE HONOR TO CALL YOUR ATTENTION to the published report of the Pennsylvania board of centennial managers, which has just been transmitted to your honorable bodies. It comprises the preliminary and final reports of the board, an historical sketch of the great exhibition, and a series of articles of permanent interest and value, relative to the resources and the growth of the industries of Pennsylvania. As a summary of the progress and achievements of a century, the work will become more and more valuable with the lapse of time. The Legislature will, undoubtedly, take pleasure in devising means for its preservation and proper distribution.

The present occasion seems a fitting one to express our thanks to the gentlemen of the board, whose labors have contributed so much to the honor and welfare of the State, and who have closed their work by the preparation of this able report. I shall be happy to co-operate with your honorable bodies in any measures that will secure the full fruits of their labors, and to join with you in some recognition of their services.

J. F. HARTRANFT.

To the Senate Nominating Matthew S. Quay Recorder of the City of Philadelphia.

Executive Chamber,  
Harrisburg, April 18, 1878.

Gentlemen:—

I HAVE THE HONOR TO NOMINATE FOR THE advice and consent of the Senate, the Honorable Matthew S. Quay, to be recorder of the city of Philadelphia, for the term of ten years.

J. F. HARTRANFT,  
Governor.

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To the Senate Nominating John Blair Linn Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, May 14, 1878.

Gentlemen:—

I HAVE THE HONOR HEREBY TO NOMINATE for the advice and consent of the Senate, John Blair Linn, Esquire, of the county of Centre, to be Secretary of the Commonwealth.

J. F. HARTRANFT.

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To the Assembly Vetoing "An Act Making an Appropriation to Henry L. Schuddemage and A. L. Thomas, Contractors, to Build the New Arsenal at Harrisburg, Pennsylvania."

Executive Chamber,  
Harrisburg, May 17, 1878.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 94, entitled "An act making an appropriation to Henry Schuddemage and A. L. Thomas, contractors to build the new arsenal, at Harrisburg, Pennsylvania."

The bill is not approved, for the reason that it is prohibited by the Constitution, in express terms.

The preamble recites that Henry Schuddamage entered into a contract to build the arsenal, at Harrisburg, for the sum of \$26,950, and that during the progress of the work, he was directed and required to furnish material, and to do work, not included in the specification called for in the contract, and thereby sustained a great loss. The bill then creates a commission to examine the matter, and to determine whether or not the State is justly indebted to him for building said arsenal; and if indebted, to audit the account, and determine the amount of indebtedness, and the bill concludes by making an appropriation of "a sum sufficient to pay any indebtedness found by said commissioners to be due."

This expression, "sum sufficient," is indefinite and uncertain in amount, and would, if allowed, with the amount already expended in purchasing land, and the erection of the arsenal, exceed the forty thousand dollars to which it was limited by the act of April 22, 1874, authorizing its construction.

But the eleventh section of the third article of the Constitution ordains that: "No bill shall be passed, giving an extra compensation to any public officer, servant, employe, agent, or contractor after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth, without previous authority of law."

This bill is to give extra compensation to a contractor, after services rendered and contract made; and, if it should swell the amount of costs for purchasing land and constructing arsenal above \$40,000, it is providing for the payment of a claim, without previous authority of law.

It is the kind of bill which that provision in the Constitution prohibits the passage of, and the very thing

which it was intended to prevent. If the bill were approved, and the commission should award a sum of money to the claimant, it would be without legal authority; and if paid by the State Treasurer, he would have no lawful warrant for the payment.

The constitutional provision is so plain, and covers this bill with such unmistakable language, that no additional explanation of the reason for withholding approval is deemed necessary.

J. F. HARTRANFT.

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To the Senate Withdrawing the Veto to "An Act Making an Appropriation to Henry Schuddemage and A. L. Thomas, Contractors, to Build the New Arsenal at Harrisburg, Pennsylvania."

Executive Chamber,  
Harrisburg, May 21, 1878.

Gentlemen:—

UPON FURTHER CONSIDERATION, I HEREBY withdraw the veto of Senate bill No. 94, entitled "An act making an appropriation to Henry Schuddemage and A. L. Thomas, contractors to build the new arsenal at Harrisburg, Pennsylvania," transmitted to your honorable body on May 17, 1878, and request that the bill and the veto may be returned to the office of the Secretary of the Commonwealth.

J. F. HARTRANFT.

To the Assembly Concerning the Collections of the Indian Museum Presented by the British Government to the Pennsylvania Museum and School of Industrial Art.

Executive Chamber,  
Harrisburg, May 21, 1878.

Gentlemen:—

I HAVE THE HONOR TO CALL YOUR ATTENTION to the large and valuable collections selected from the Indian museum, and exhibited in the Indian department of the Philadelphia centennial exhibition of 1876, which the British Government, through the kind offices of Colonel Sir H. B. Sanford, British centennial commissioner, have lately presented to the Pennsylvania museum and school of industrial art.

The public nature of the gift coming from the British Government, the importance of the cause which it so materially aids, the benefits that the citizens of Pennsylvania will derive from it, and the compliment in selecting a Pennsylvania society as the custodian of so valuable a collection, require some recognition on behalf of the State, of the liberality and partiality of her Majesty's Government.

I would therefore suggest, that a joint resolution of thanks be transmitted to the proper authorities through Colonel Sir H. B. Sanford, as a testimonial of our appreciation of the kindness of the British Government, and our sense of the importance of its gift.

J. F. HARTRANFT.

To the Senate Nominating S. B. Schuck an Associate  
Judge for Snyder County.

Executive Chamber,  
Harrisburg, May 28, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, S. B. Schuck, of Middleburg, Pa., to be associate judge in and for the county of Snyder, until the first Monday of January, 1879.

J. F. HARTRANFT.

To the Assembly Concerning the Oil Trade.

Executive Chamber,  
Harrisburg, May 22, 1878.

Gentlemen:—

**T**HE RAPID GROWTH OF THE OIL BUSINESS of Pennsylvania within the past few years, and the direct and vital interest of a large section of the State and class of its citizens in the production and transportation of that commodity, has brought the subject, during the present session, prominently to our attention. As the legislation proposed failed to meet the views of the different parties, or reconcile the different interests concerned, I would suggest to your honorable bodies the propriety of authorizing a commission, during the legislative interim, to give the subject a thorough examination and legislation acceptable to all classes and just to all interests. The hazard of the proposed changes in the existing laws



of the carrying system of the State, under competition with highways of traffic in other States, and the apprehended effects upon our gigantic railway enterprises, from which the State derives a large revenue, and upon all other industries affected by any change or apportionment of the rates of transportation among different commodities, or between different localities, are of so complicated and far reaching a character that, before any definite action is taken, it will be well to obtain all the information and the views and experience of business men of the great industries of the State, and endeavor to secure such concurrent legislation in other States as will prevent discrimination, and at the same time do no injury to the highways and the trade, commerce, and revenues of the Commonwealth.

The large and influential class of citizens demanding the proposed changes prove the necessity of some modifications of the existing conditions, and the violent opposition developed thereto show the magnitude of the interests involved. The re-adjustment of these great interests, whenever disturbed by the sudden growth of any, or the introduction of a new industry, has always been a matter of extreme difficulty and slowness, and under the circumstances, since no satisfactory adjustment has been arrived at during the present session, I recommend the passage of a joint resolution, authorizing the appointment of commissioners to make an examination of the statistics of State and inter-State commerce, and requiring them to embody, in their report to the next Legislature, legislation intended to prevent unjust discrimination in charges and facilities for transportation of oils.

J. F. HARTRANFT.

To the Senate Nominating Managers of the Pennsylvania Reform School.

Executive Chamber,  
Harrisburg May 23, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be managers of the Pennsylvania reform school, for the term of four years, to be computed from the first Monday of May, A. D. 1877, viz: Thomas J. Bingham, John J. Gillespie, Josiah Cohen, R. V. Johnson, John F. Dravo, James Allison, Thomas Wightman, and George H. Anderson; also the following named persons to hold said office for the term of two years, to compute from the first Monday of May, A. D. 1877, viz: Peter Zern, R. R. Nevin, G. L. B. Fetterman, John Magraw, Henry Warner, Richard S. Wairing, John C. McNary, Anthony P. Keating.

J. F. HARTRANFT.

To the Assembly, Giving Notice of the Enactment of a Certain Bill Through the Expiration of the Time for its Return by the Governor.

Executive Chamber,  
Harrisburg, May 24, 1878.

Gentlemen:—

**T**HE BILL, ENTITLED "AN ACT MAKING AN appropriation to Henry Schuddemage and A. L. Thomas, contractors to build the new arsenal, at Harrisburg, Pennsylvania," was presented to me on the 8th day of May, A. D. 1878, and was returned to the Senate, in which it originated, with my objec-

tions thereto, on the 17th day of May, A. D. 1878, and the objections withdrawn and the bill re-called, on the 21st day of May, A. D. 1878; and more than ten days having elapsed since the date of the presentation of said bill to me, it has, agreeably to the Constitution, become a law in like manner as if I had signed it.

J. F. HARTRANFT.

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To the Senate Nominating Joseph Willcox a Commissioner of a Geological Survey.

Executive Chamber,  
Harrisburg, May 24, 1878.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Joseph Willcox, of the city and county of Philadelphia, to be a commissioner, under the act of May 14, 1874, to provide for a geological survey of the State, vice Robert D. Wilson, deceased.

J. F. HARTRANFT.

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Proclamation that the Governor has Filed Certain Bills in the Office of the Secretary of the Commonwealth with his Objections Thereto.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



wealth.

**I**N THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

## A PROCLAMATION.



I, John F. Hartranft, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue, and in compliance with the provisions of Article IV, Section 15, of the Constitution thereof, do hereby give notice that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bills passed by both houses of the General Assembly, viz:

Senate Bill, No. 39, entitled "An Act authorizing and empowering the courts of common pleas of the several counties, in this Commonwealth, to change, alter and direct the mode of preparing and keeping indices in the several offices of record in said counties, and for preparing, making and substituting new indices for old indices, or parts thereof."

Senate Bill No. 121, entitled "An Act relative to the dividends and profits of fire and fire marine insurance companies organized under the provisions of the Act of Assembly approved April second, one thousand eight hundred and fifty-six."

Senate Bill No. 292, entitled "An Act to authorize and empower the trustees of the Evangelical Lutheran Congregation of the Borough of Elizabethtown, Lancaster county, to sell and convey certain real estate."

Senate Bill, No. 257, entitled "An Act authorizing the president judge of the court of common pleas of Susquehanna to appoint three accurate and competent accountants to re-examine and investigate the receipts and expenditures of said county for the eleven years preceding the first of January, one thousand eight hundred and seventy-eight, in order to ascertain whether any of the money collected by a five mill jail tax for the purpose of building a county jail has been used unlawfully, and for other purposes than for which said

tax was collected, or any other moneys collected by a ten mill tax upon the citizens of said county."

House Bill, No. 10, entitled "An Act to abolish the office of Sealer of Weights and Measures in Northumberland and Lancaster counties."

House Bill, No. 361, entitled "A Supplement to an act to incorporate the Plymouth and Upper Dublin Turnpike Road Company, approved the fifteenth day of April, Anno Domini one thousand eight hundred and fifty-three."

House Bill, No. 367, entitled "An Act authorizing the Auditor General to examine, correct and revise the amount of State taxes in the county of Cameron for the years eighteen hundred and seventy-five, eighteen hundred and seventy-six and eighteen hundred and seventy-seven."

House Bill, No. 436, entitled "An Act making an appropriation to Zion's Hill Collegiate Institute, in the county of Washington."

Given under my Hand and the Great Seal of the State, at Harrisburg, this seventeenth day of June, in the year of our Lord one thousand eight hundred and seventy-eight, and of the Commonwealth the one hundred and second.

J. F. HARTRANFT.

By the Governor:

John Blair Linn,

Secretary of the Commonwealth.

Proclamation Ordering an Election on the Question of the Erection of a New County,—Lackawanna,—and Prescribing the Manner of Conducting the Election.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



wealth.

IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the said Common-

A PROCLAMATION.

Whereas, In and by an act of the General Assembly, entitled "An act to provide for the division of counties of this Commonwealth, and the erection of new counties therefrom," approved the seventeenth day of April, Anno Domini one thousand eight hundred and seventy-eight, it is provided that the Commissioners appointed to inquire into and make report concerning the erection of a new county "shall forthwith cause an accurate survey of said proposed new county district to be made, and establish and mark the boundary line of division of the old county; they shall estimate as nearly as possible the population of the proposed new county district, and within sixty days from the time of their appointment shall file in the office of said Secretary of Internal Affairs an accurate report of the facts in the premises, together with an accurate map of the proposed new county; if it shall appear from such report that said new county may be established without conflicting with the constitutional provisions as to territory, population and the nearest distance of the boundary line to the county seat, then the Gov-



ernor shall issue a Proclamation ordering an election to be held by the qualified voters of the said proposed new county district."

And Whereas, William Griffis, David Summers and Richard H. Sanders, commissioners appointed on the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-eight, to inquire into and make report concerning the erection of the proposed new county of Lackawanna, filed in the office of the Secretary of Internal Affairs on the twenty-ninth day of June, Anno Domini one thousand eight hundred and seventy-eight, the Report and the Map, as aforesaid, from which Report it appears to the Governor, the Secretary of the Commonwealth and the Secretary of Internal Affairs that the proposed new county of Lackawanna "may be established without conflicting with the constitutional provisions as to territory, population, and the nearest distance of the boundary line to the county seat."

Now Therefore, I, John F. Hartrauft, Governor as aforesaid, in compliance with the provisions of the above recited act of the General Assembly, do hereby issue this my proclamation, ordering an election to be held on Tuesday the Thirteenth day of August, Anno Domini one thousand eight hundred and seventy-eight, between the hours of seven o'clock A. M. and seven o'clock P. M. of said day, by the qualified voters of the district composing the proposed new county of Lackawanna, on the question of the erection of said new county; said district embracing all of the territory of the present county of Luzerne, lying North and East of the following described boundary line of division, viz: Beginning at a point on the east bank of the Susquehanna River at low water mark where the said River enters the county of Luzerne it being the west corner of the township of Newton thence South Easterly along the East bank of said River

to a point in Ransom township on said river about five feet above low water mark one (1) mile two hundred and forty-seven and one-half (247.5) feet above the mouth of Falling Spring Brook. Thence S.  $54^{\circ} 18'$  E. Eight thousand one hundred and forty-seven (8,147.00) feet to a corner witnessed by a chestnut and two yellow Pine trees (each marked by four notches). Thence with a deflection of eleven ( $11^{\circ}$ ) degrees and eighteen ( $18'$ ) minutes to the right, a bearing of S.  $43^{\circ} 00'$  E. one (1) mile four thousand and fifty-six (4,056) feet to the centre of Gardners or Mill creek the line between Old Forge and Lackawanna Townships. Thence up Gardners or Mill creek along the line between Old Forge and Lackawanna townships S.  $19^{\circ} 23'$  E. about two hundred and two and one-half (202.5) feet to the corner of Old Forge, Lackawanna and Pittston Townships. Thence along the Northeasterly line of Pittston township S.  $77^{\circ} 00'$  E. 840 ps. to the Northwesterly corner of Spring Brook; thence along the westerly line of Spring Brook, South 480 ps.; thence west along the tract of land in the warrantee name of Jacob Yoner 120 ps. to the Northwest corner of said Jacob Yoner tract; thence along the west line of the same 300 ps. to post and stones in line of the Robert Gray tract; thence along the North line of the same East 60 ps. to a corner; thence South 260 ps. along the west line of the Joseph Lawrence tract, to the line of William Moore; thence along the North line of the same East 165 ps. to the North west corner of the Thomas Dundas tract; thence South about 525 ps. along the West line of the same and John Christ; thence South  $59^{\circ} 00'$  E. about 510 ps. to a corner, it being the Northeast corner of the John Spoon tract and the Northwest corner of the township of Buck; thence South along the East line of Bear creek township 1,200 ps. to a corner in the North line of the James Morrell tract. Thence prolonging the last mentioned line S.  $40^{\circ} 00'$  W. (magnetic bearing) 4,930 feet



to the centre of Choke Creek, 980 feet below the face of the dam at Porter's Pool. Thence down Choke Creek by its several courses and distances to the centre of the Lehigh River. Said election to be held within the several election districts of the said proposed new county of Lackawanna, by the officers authorized by law to hold general elections, to be conducted in accordance with the provisions of the aforesaid act of the General Assembly and other laws of this Commonwealth. The ballots to be cast, to be labelled upon the outside "New County" and upon the inside "For the New County" or "Against the New County;" and the judges of election in the several precincts and election districts shall, immediately upon the vote being counted, cause duplicate returns thereof to be made, one of which shall be sealed up and deposited in the nearest post office, directed to the Secretary of Internal Affairs, at Harrisburg, the other, together with all papers pertaining thereto, shall, on Thursday the Fifteenth day of August, Anno Domini one thousand eight hundred and seventy-eight at twelve o'clock M. of said day at Washington Hall, in the City of Scranton, in the said proposed new county district be delivered to William Griffis, David Summers and Richard H. Sanders, commissioners as aforesaid, or a majority of them, at which time and place the said commissioners shall attend, and receive and compute the returns of said election, and certify the result, under oath to me.

Given under by Hand and the Great Seal of the State at Harrisburg, the eighth day of July, in the year of our Lord one thousand eight hundred and seventy-eight, and of the Commonwealth the one hundred and third.

J. F. HARTRANFT.

By the Governor:

John Blair Linn,

Secretary of the Commonwealth.

## DOCUMENT RELATING TO THE PROCLAMATION.

## REPORT

Of the Commissioners appointed under an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An act to provide for the division of counties of this Commonwealth and the erection of new counties therefrom," approved the seventeenth day of April, 1878, upon the petition of citizens of the county of Luzerne praying for a division of said county and the erection of a new county therefrom, to be called Lackawanna county.

To His Excellency John F. Hartranft, Governor, the Honorable John B. Linn, Secretary of the Commonwealth, and the Honorable William McCandless, Secretary of Internal Affairs,

The undersigned, Commissioners appointed in pursuance of an application filed in the office of the Secretary of Internal Affairs of the Commonwealth of Pennsylvania, to inquire concerning the division of Luzerne county and the erection of a new county therefrom, to be called the county of Lackawanna, under and by virtue of an act of the General Assembly, entitled "An act to provide for the division of counties of this Commonwealth, and the erection of new counties therefrom, approved the seventeenth day of April A. D. 1878, respectfully report.

That they met together and having been duly sworn according to law to perform their duties with fidelity, went upon the ground and proceeded to the discharge of their duties according to the provisions of said act. That they have established and marked the boundary line of division of the said county of Luzerne, constituting the boundary line between the said proposed new county of Lackawanna and the remaining portion of said Luzerne county as follows, to-wit:

Beginning at a point on the east bank of the Susquehanna River at low water mark where the said river enters the county of Luzerne, it being the west corner of the township of Newton, thence Southeasterly along the east bank of said river to a point in Ransom township, on said river, about five feet above low water mark, one (1) mile two hundred and forty-seven and one-half (247.5) feet above the mouth of Falling Spring Brook. Thence S. 54° 18' E. eight thousand one hundred and forty-seven (8,147.00) feet to a corner, witnessed by a chestnut and two yellow pine trees (each marked by four notches). Thence with a deflect of eleven (11° degrees and eighteen (18') minutes to the right, a bearing of S. 43° 00' E., one (1) mile four thousand and fifty-six (4,056) feet to the centre of Gardener's or Mill Creek, the line between Old Forge and Lackawanna townships. Thence up Gardener's or Mill Creek along the line between Old Forge and Lackawanna townships S. 19° 23' E., about two hundred and two and one-half (202.5) feet to the corner of Old Forge, Lackawanna and Pittston townships. Thence along the Northeasterly line of Pittston township S. 77° 00' E., 840 ps. to the Northwesterly corner of Spring Brook; thence along the westerly line of Spring Brook, South 480 ps., thence West along the tract of land in the warrantee name of Jacob Yoner, 120 ps. to the Northwest corner of said Jacob Yoner tract; thence along the West line of the same 300 ps. to post and stones in line of the Robert Gray tract; thence along the north line of the same East 60 ps. to a corner; thence South 260 ps. along the West line of the Joseph Lawrence tract, to the line of William Moore; thence along the North line of the same East 165 ps., to the Northwest corner of the Thomas Dundas tract; thence South about 525 ps. along the West line of the same and John Christ; thence South 59° 00' E., about 510 ps. to a corner, it being the Northeast corner of the John Spoon tract and the Northeast corner of the township of Buck; thence South along the East line of Bear Creek township

1,200 ps. to a corner in the North line of the James Morrell tract. Thence prolonging the last mentioned line S. 4° 00' W. (magnetic bearing), 4,980 ft. to the centre of Choke Creek, 980 feet below the face of the dam at Porter's Pool. Thence down Choke Creek the following courses and distances: N. 85° 00' E. 69 ft., S. 73° 41' E. 500.5 ft. S. 10° 05' E. 723.5 ft. S. 17° 42' E. 499.2 ft. S. 33° 32' E. 681.6 ft. S. 16° 10' W. 1,156.8 ft. S. 8° 30' E. 467 ft. S. 2° 15' W. 490 ft. S. 36° 40' E. 420.2 ft. N. 87° 20' E. 850.2 feet. S. 55° 10' E. 383.3 ft. S. 52° 24' W. 156.5 ft. S. 36° 27' E. 525.2 ft. S. 6° 55' W. 278 ft. S. 21° 40' E. 644.2 ft. S. 52° 45' W. 122.8 ft. S. 7° 23' W. 130 ft. S. 77° 00' E. 358.7 ft. S. 36° 48' E. 563.8 ft. S. 76° 42' E. 482 ft. S. 32° 34' E. 376.6 ft. N. 86° 30' E. 336 ft. N. 70° 37' E. 225.5 ft. N. 86° 47' E. 324.1 ft. S. 69° 27' E. 380.8 ft. N. 72° 52' E. 376.5 ft. S. 66° 08' E. 462 ft. N. 45° 06' E. 556 ft. S. 77° 32' E. 495.3 ft. S. 83° 48' E. 362.5 ft. N. 73° 18' E. 419 ft. N. 42° 20' E. 517 ft. N. 89° 37' E. 409 ft. S. 54° 17' E. 321.5 ft. S. 29° 27' E. 247.6 ft. S. 65° 24' W. 262 ft. S. 29° 50' E. 312.5 ft. S. 6° 02' E. 609.7 ft. N. 72° 07' W. 229 ft. S. 23° 57' W. 320.8 ft. S. 44° 48' E. 499.5 ft. S. 15° 10' E. 766 ft. S. 39° 11' E. 451.8 ft. S. 71° 34' E. 470 ft. S. 89° 12' E. 583.8 ft. S. 41° 52' E. 356 ft. S. 76° 00' E. 655.5 ft. S. 38° 05' E. 219.5 ft. S. 27° 38' E. 579.5 ft. S. 70° 15' E. 543 ft. to the centre of the Lehigh River.

That the nearest point of said boundary line to the county seat of said county of Luzerne is ten miles five hundred and forty-two feet.

That the proposed new county district will contain the cities of Carbondale and Scranton, the boroughs of Archbald, Blakely, Dickson City, Dunmore, Glenburn, Goldsboro, Jermy, Olyphant, Waverly and Winton; the townships of Fell, Carbondale, Greenfield, Scott, Benton, North Abington, South Abington, Newton, Jefferson, Covington, Clifton, Madison, Roaring Brook, Spring Brook, Lackawanna and parts of the townships of Ransom, Old Forge and Buck; the present population thereof estimated as nearly as possible by your commissioners is eighty-five (\$5,000).

That they have caused to be made an accurate survey and map of said proposed new county of Lackawanna, which is herewith submitted as part of this report.

That the area of the said proposed new county of Lackawanna is four hundred and forty (440) square miles and the population according to the last decennial United States census is seventy-one thousand four hundred and one (71,401).

That the area of the said county of Luzerne is fourteen hundred (1,400) square miles, and the population thereof one hundred and sixty thousand nine hundred and fifteen (160,915).

That by the establishment of said county of Lackawanna, the area of said county of Luzerne will be reduced to nine hundred and sixty (960) square miles, and the property valuation thereof to eighty-nine thousand five hundred and fourteen (\$89,514).

That said new county of Lackawanna may be established without conflicting with the Constitutional provisions as to territory, population and the nearest distance of the boundary line to the county seat of Luzerne county, to-wit:

The said county of Luzerne will not be reduced to less than four hundred (400) square miles, nor to less than twenty thousand (20,000) inhabitants, and the said new county will have an area of more than four hundred (400) square miles and a population exceeding twenty thousand (20,000), and that the line dividing the said county of Luzerne does not at any point pass within ten miles of the county seat thereof.

That the said application for the division of said Luzerne county and the erection of the county of Lackawanna therefrom is in accordance with the said act of Assembly and the Constitution of this Commonwealth, and the establishment of said new county is hereby recommended.

All of which is duly submitted.

In witness whereof the said Commissioners have hereunto set their hands and seals this 25th day of June, in the year of our Lord one thousand eight hundred and seventy-eight.

DAVID SUMMERS, (Seal.)  
RICHARD H. SANDERS, (Seal.)  
WM. GRIFFIS, (Seal.)

Commissioners.

Proclamation of the Erection of the County of  
Lackawanna.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylv-  
ania. JOHN F. HARTRANFT,  
Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas, In and by An Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the division of Counties of this Commonwealth and the erection of New Counties therefrom" Approved the Seventeenth day of April, A. D. 1878, it is among other things provided, that the Judges of the election held in the several precincts, for the erection of a new County, Shall cause one of the returns thereof, required by said Act to be made, together with all papers pertaining thereto, on the Second day after Said election, to be delivered to the Commissioners provided for in Said Act, or a Majority of them, at the time and place fixed by the Governor, and that said Commissioners shall at once proceed to compute said returns, and as soon as possible Certify, the result under oath, to the Governor, And it is further provided by Said Act that "In case the Majority of votes cast at Said election shall be in favor of the creation of Said New County, the Governor Shall forthwith issue a Proclamation declaring the Same, "and thenceforth said new County shall be established, with all the rights, powers and privileges of other Counties of this Commonwealth."



And Whereas, The result of the election held on the Thirteenth day of August A. D. 1878, the time fixed by my Proclamation of July 8th, 1878, has been Certified to me as required by the said Act of Assembly, and shows that the number of ballots cast "for the New County" was nine thousand six hundred and fifteen (9,615) and that the number of ballots cast "against the New County" was one thousand nine hundred and eighty-six (1,986), being a majority of seven thousand six hundred and twenty-nine (7,629) votes in favor of the erection of the New County of Lackawanna.

Now Know Therefore, That I, John F. Hartranft, Governor of the said Commonwealth of Pennsylvania, Do Hereby issue This my Proclamation, declaring that a Majority of the votes cast at the election held on the said Thirteenth day of August, A. D. 1878, in accordance with the provisions of the above recited Act of the General Assembly, were in favor of the creation of the New County of Lackawanna, and henceforth said New County shall be and is established, with all the rights, powers and privileges of other Counties of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this Twenty-first day of August, in the year of our Lord, one thousand eight hundred and seventy-eight and of the Commonwealth the one hundred and third.

J. F. HARTRANFT.

By the Governor:

John Blair Linn,

Secretary of the Commonwealth.

## Proclamation of a Day of Thanksgiving.—1878.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



wealth.

I N THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN F. HARTRANFT,  
Governor of the said Common-

## A PROCLAMATION.

During the past year the people of United States have been patient in distress, steadfast to time honored institutions and hopeful of the final destiny of their Country. Their patience has been the Security of Society, their faith has saved for posterity an unimpaired heritage and their charity has met pestilence with active sympathy and quiet self-sacrifice.

Now Therefore, I, John F. Hartranft, Governor of Pennsylvania, do appoint Thursday, the Twenty-eighth day of November, 1878, being the same day set apart by the President of the United States, as a Day of Thanksgiving and Prayer, that the citizens of this Commonwealth may give thanks to Almighty God, not only for peace and reviving prosperity, but for the Faith, Hope and Charity, which His Spirit has kindled in their hearts.

Given under my Hand and the Great Seal of the State at Harrisburg this Ninth day of November, in the year of our Lord One thousand eight hundred and seventy-eight, and of the Commonwealth the one hundred and third.

J. F. HARTRANFT.

By the Governor:

John Blair Linn,

Secretary of the Commonwealth.

Proclamation of the Election of James P. Sterrett  
as a Judge of the Supreme Court.

Pennsylvania, ss:

[Signed] J. F. Hartranft.



IN THE NAME AND BY  
the authority of the Com-  
monwealth of Pennsylvan-  
ia. JOHN F. HARTRANFT,  
Governor of the said Common-

wealth.

A PROCLAMATION.

Whereas, It is provided in and by an act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of Judges of the several Courts of this Commonwealth, and to regulate certain Judicial Districts," approved the fifteenth day of April, A. D. one thousand eight hundred and fifty-one, that the Secretary of the Commonwealth shall cause the returns made to him for an election for Judge of the Supreme Court to be opened, and the votes cast for persons voted for to fill said office to be accurately computed, and the Governor shall forthwith issue his Proclamation declaring the person voted for, for Judge of the Supreme Court, who has received the greatest number of votes, to be duly elected.

And Whereas, The Secretary of the Commonwealth has caused the returns of the late General Election for Judge of the Supreme Court to be opened, and the votes cast to be accurately computed, whereby it appeared that James P. Sterrett received the greatest number of votes of the persons voted for to fill the said office of Judge of the Supreme Court.

Now Therefore, In compliance with the provisions of the aforesaid act of the General Assembly, I, John F. Hartranft, Governor as aforesaid, do hereby issue



this my Proclamation, publishing and declaring that of the persons voted for, for Judge of the Supreme Court of this Commonwealth, at the late general election, held on the Fifth day of November last past, James P. Sterrett received the greatest number of votes, and is duly elected a Judge of the Supreme Court of this Commonwealth.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Eleventh day of December, in the year of our Lord one thousand eight hundred and seventy-eight, and of the Commonwealth the one hundred and third.

J. F. HARTRANFT.

By the Governor:

John Blair Linn,

Secretary of the Commonwealth.

### Annual Message to the Assembly.—1879.

Gentlemen of the Senate and House of Representatives:

**A**S THE FIRST LEGISLATURE HOLDING A BIENNIAL session, you will have many difficult and delicate matters to adjust. As all the existing legislation has been passed in view of annual sessions, it will be necessary to make a careful examination of the various laws regulating the Departments, and particularly those concerning the management of financial affairs. Without attempting a specification of all the changes rendered necessary by the new system, it will be sufficient, as an indication of the importance of the work, to point out, that, unless an amendment of the law requiring the votes for State Treasurer to be counted as the votes for Governor are now counted, is



passed, an extra session of the Legislature must be called in 1880 for that purpose alone, at a very considerable expense. Many reports that are now annually required can probably be dispensed with, and many changes made which will lessen the expense and simplify the operations of the Departments. The new Constitution has hitherto, in its transition state, added largely to the expenses of government, but the period has now arrived when the people should begin to profit by the reduced cost of its regular operation. I do not doubt that your work will be done with conscientious fidelity, and your constituents realize, for the next two years, under wise and judicious laws, the full benefits of the new order of things.

During the year, the peace of the State has been unbroken; no epidemics have impaired the usual health of the people, and the earth has yielded her harvests without decrease. We are still in the gray of hard times, and the giant industries of coal and iron are yet slumbering restlessly; but, everywhere, the stir of awakening confidence betokens the beginning of a more prosperous day. Under these circumstances, it is gratifying to be able to inform you that, while it may be necessary to reduce the payments on the debt, to nearly the Constitutional limit, for a year or two, the sources of revenue need not be extended or increased.

#### FINANCES.

The revenues of the sinking fund have been sufficient to pay all interest due during the past year, to redeem over a million of the public debt, and to leave a fair balance to meet the February interest of this year. The revenues of the general fund, being very much less than was anticipated, and as there was no power to apply the large amount in the sinking fund used to redeem the debt in excess of the Constitutional

amount to the General Fund, the State Treasurer was unable to meet, promptly, all the demands made upon him. The following tables will show, however, that with proper economy in appropriations, and a diversion of surplus revenues from the sinking fund to the general fund, both the appropriations of last year unpaid, and the expenses of the next two years can be met without resort to additional taxation.

Total Receipts and Disbursements During Fiscal Year  
Ending November 30, 1878.

Receipts:

Balance in Treasury November 30, 1877, .....	\$2,162,046	87
General fund, .....	3,957,881	83
Sinking fund, .....	1,555,536	14
	<hr/>	
	\$7,675,464	84

Disbursements:

Ordinary expenses, .....	\$4,362,170	95
Loans redeemed, .....	1,068,193	45
Interest on loans, .....	1,222,408	52
Premium on gold, .....	1,057	70
Turnpike and railroad stock, .....	102	96
	<hr/>	
	6,653,933	58

Balance in Treasury, November 30, 1878, .....	\$1,021,531	26
	<hr/> <hr/>	

Public Debt.

Over due loans, upon which interest has been stopped and not presented for payment, .....	\$43,843	28
Redeemable loans of five and six per		

cent., upon which interest has been stopped and not presented for payment, .....	131,750 00
Six per cent. payable in 1879, .....	400,000 00
Five per cent. payable in 1882, .....	395,000 00
Four and one-half per cent. payable in 1882, .....	87,000 00
Six per cent., redeemable in 1877, and payable in 1882, .....	2,118,000 00
Five per cent., redeemable in 1877, and payable in 1882, .....	94,400 00
Six per cent., redeemable in 1882, and payable in 1892, .....	9,271,850 00
Five per cent., redeemable in 1882, and payable in 1892, .....	723,950 00
Five per cent., redeemable in 1892, and payable in 1902, .....	8,000,000 00
Six per cent. agricultural, payable in 1922, .....	500,000 00
Relief notes in circulation, .....	\$96,167 00
Interest certificates outstanding, .....	13,038 54
Interest certificates unclaimed, .....	4,448 38
Domestic creditors' certificates, .....	25 00
Chambersburg certificate unclaimed, .....	148 66
	<hr/>
	113,827 58

Total debt December 1, 1878,.. \$21,875,620 86

Total debt December, 1878, ... \$21,875,620 86

Pennsylvania Railroad  
bonds, representing an  
indebtedness January  
31, 1879, of, .....\$4,446,268 98

Allegheny Valley Rail- road bonds, . . . . .	3,100,000 00	
Balance in Sinking Fund, November 30, 1878, . . .	958,630 88	
	<hr/>	\$8,504,899 86
Indebtedness unprovided for, . .		<hr/> <hr/> \$13,370,721 00

## SINKING FUND.

Receipts and payments for fiscal year ending November 30, 1878:

## Receipts:

Balance in fund, November 30, 1877, . .	\$1,705,014 87
Corporation stock tax, . . . . .	829,543 75
Allegheny Valley Railroad Company (interest on bonds), . . . . .	160,000 00
Allegheny Valley Railroad Company (bonds redeemed), . . . . .	100,000 00
Pennsylvania Railroad Company (com- mutation tax), . . . . .	460,000 00
Turnpike and plank road stocks (sold under act, January 12, 1878), . . . . .	5,992 39
	<hr/>
	\$3,260,551 01

## Payments:

Five per cent. bonds re- deemed, . . . . .	\$365,638 30
Six per cent. bonds re- deemed, . . . . .	702,548 15
Relief notes, . . . . .	7 00
	<hr/>

Total amount of debt redeemed, . . . . .	\$1,068,193 45
Premiums on gold for pay- ment of interest, . . . . .	1,057 70
Interest paid on public debt, . . . . .	1,195,255 10

Interest paid on debt re- deemed, .....	7,301 32	
Interest paid Agricultural College, .....	30,000 00	
Expenses, sale of turn- pike stock, .....	102 96	
Interest paid on Cham- bersburg certificates, .	9 60	
	<hr/>	\$2,301,920 13
Balance in Sinking Fund, No- vember 30, 1878, .....		\$958,630 88
		<hr/> <hr/>

ESTIMATED RECEIPTS FOR THE YEAR ENDING NO-  
VEMBER, 1879.

Balance, November 30, 1878, .....		\$958,630 88
Tax on corporation tax, .....		1,200,000 00
Pennsylvania railroad commutation tax, .....		460,000 00
Allegheny Valley railroad bond, .....		100,000 00
Allegheny Valley railroad interest, ..		195,000 00
		<hr/>
Total receipts, .....		\$2,913,630 88
Estimated payments, in- terest, .....	\$1,150,000 00	
Inclined Plane loan, due April 10, 1879, .....	400,000 00	
Over due and called loans, .....	175,593 28	
	<hr/>	\$1,725,593 28
		<hr/> <hr/>
Surplus November 30, 1879, ..		\$1,188,037 60
		<hr/> <hr/>

## General Fund.

Receipts during fiscal year ending November 30,  
1878:

Balance in fund, November 30, 1877, ..	\$454,775 50
Revenue, .....	3,957,881 83
	<hr/>

Total receipts, .....	\$4,412,657 33
Payments, .....	4,362,170 95
	<hr/>
Balance November 30, 1878, ....	\$50,486 38
	<hr/> <hr/>

ESTIMATED RECEIPTS FOR YEAR ENDING NOVEMBER,  
1879.

Balance, November 30, 1878, .....	\$50,486 38
Estimated revenue, 1879 (State Treasurer), .....	3,395,000 00
	<hr/>
Total available fund, .....	\$3,445,486 38
Estimate expenses for 1879, including unpaid appropriations (State Treasurer), .....	5,618,547 35
Estimated deficit in General Fund, November 30, 1879, .....	\$2,173,060 97
	<hr/> <hr/>

It will be seen, by an examination of the Sinking Fund, that after the redemption of the \$400,000 loan due next April, and payment of the over due and call loans, and the payment of the interest on the public debt, there will be a surplus of over one million dollars at the close of the year 1879. The Constitution requires an annual reduction of the public debt of not less than \$250,000. The payment of the inclined plane loan would be \$150,000 in excess of the Constitutional requirement. There is, therefore, no good reason why the Legislature should not permit the Sinking Fund Commissioners to divert all that may find necessary to the General Fund, after thus fulfilling the provision of the Constitution. And, indeed, there does not seem to be any serious objection to passing a general law giving the Sinking Fund Commissioners authority, after paying the interest on the public debt, and redeeming the principal required by

the Constitution, to divert the balance of the revenue which would otherwise go into the Sinking Fund by legislation, to the payment of the debt or to general expenses, as the exigencies of the State's finances may require. The present rigid method is very inconvenient, especially in times when the revenues naturally decrease, obliging the Commissioners to redeem the loans of the Commonwealth, when legitimate claims represented at the counter of the general Treasury have to be put off. The estimated deficiency in the General Fund at the close of the present fiscal year, including the unpaid appropriations, will be \$2,173,060.97. The revenues of the General Fund for 1878 have fallen below the revenues of 1877 some \$600,000, and the estimated revenues of 1879 are \$900,000 below the same standard, making altogether for the two years, in which the deficiencies will have principally accumulated, a falling off of the revenues of \$1,500,000. As this extraordinary decrease could scarcely have been anticipated, but \$673,000 of the deficit can be laid to the extraordinary appropriations required on account of the Insane Hospitals for the South Eastern district and at Warren, the building of the new Western and Eastern Penitentiaries, the Jefferson Medical College, the State Agricultural College, and the expenses and claims for the riots of 1877, amounting altogether to \$1,925,000. It must also be considered that this deficit is estimated upon the gross amounts appropriated, and that considerable sums will be covered back into the treasury. As for instance, the appropriations to pay for suppressing the riots of 1877 were 710,000, and the amount paid, with almost all claims now settled and paid, is \$584,811.63. So that it is safe to assume that \$100,000 of this appropriation will not be required.

But it is satisfactory to the taxpayers that this deficit can be made up in the next two years without

additional taxation. In the two years of 1879 and 1880, there can be diverted from the Sinking Fund revenues the sum of \$1,500,000—\$1,000,000 in 1879 and \$500,000 in 1880—and still leave enough in the fund to pay the interest and redeem \$500,000 of the public loans each year, which is double the amount required by the Constitution. In 1880, as there will be no session of the Legislature, the Treasury will have, at least, \$500,000 which is usually appropriated to that expense, to apply to the payment of the balance of the deficit. But the revenues for the two years have been estimated much below the amounts that may reasonably be expected. By a vigorous enforcement of the tax laws, the revenues for this year ought to be largely increased over those of last year, and thus still further relieve the Treasury; and I do not see why we may not reasonably expect a moderate improvement, from year to year, in the revenues of the State. If we count the tax on corporations only at what it was last year, which was very low, the revenues will be increased, for the two years, by about \$400,000, or more than enough to cover the remainder of the deficiency. To do this, however, it will be necessary to extend the payment of most of the appropriations over the two years, and rigidly keep the appropriations for 1879 and 1880 within the limits of the estimates. Taking the two years together (and hereafter the estimates and appropriations must be made for two years), it is believed the revenues will be sufficient to meet all expenses and redeem, by the end of 1880, about one million of the public debt, and the State will then be able to commence 1881 without a deficit.

The change in the law, recommended in the message of 1877, by which the tax on railroads was changed from all tax on dividends to part on dividends and part on gross receipts, has proved very beneficial in the present depression. Without this change the State



would have received from two to three hundred thousand dollars less by reason of these companies declaring small dividends. The four leading corporations, the Pennsylvania, the Lehigh Valley, the Philadelphia and Reading, and the Delaware, Lackawanna and Western Railroads, have paid the State under the act of 1877, \$609,525.69, while under the old law they would have paid only \$444,625.52, showing an increase of \$164,800.17 in favor of the law of 1877. Many corporations have declared dividends just under six per cent. and made appraisements which have been accepted, much below the market value of stock, as measured by the dividends declared. If they could be appraised at the value indicated by the dividends declared, the receipts under the law, would be still further increased.

#### SAVINGS BANKS AND TRUST COMPANIES.

My views upon the subject of savings banks having been fully laid before you, in former messages, I shall merely renew the recommendation for such legislation as will adequately protect the depositors of such institutions, by drawing and maintaining the line between business enterprises and fiduciary relations. Last year, in connection herewith, I took occasion to recommend the creation of a bank department, and the appointment of a bank examiner. A bill to that effect was introduced at the last session, and passed the Senate, but failed in the House. I am still convinced of the advisability of such a department. The total number of banks reporting to the Auditor General, in 1873, was one hundred and seventeen, with \$23,400,000 on deposit. Of these, seventy-seven are represented as savings banks and trust companies, with \$16,790,000 of deposits. Since that year, the official records show the failure or suspension of thirty-one institutions, whose deposits aggregated \$8,200,000.

Eighteen of these suspended banks were so-called savings banks, with deposits amounting to \$6,650,000. It is a significant fact that about 68 per centum, or \$4,500,000 of the deposits of the eighteen broken savings banks, was invested in discounts upon ordinary business paper. These figures will convince you, I think, of the importance of drawing the line between the two classes of institutions, and creating an officer to enforce the law, and close up all failing institutions, before the ruinous consequences of concealment of insolvency and desperate efforts to retrieve losses have involved depositors in an almost total extinction of securities.

The report of the municipal commission made to the last Legislature remains unacted upon. The general agitation of the subject of municipal reform in 1875 and 1876 had a tendency to somewhat check the reckless extravagance of the preceding decade, but it is apparent to all, that, under the present system, the bankruptcy of our larger cities is only a question of time. The financial condition of the larger cities has improved but little, if any, since 1876. As it is evident, therefore, that the system is at fault, the only hope of the citizens of those municipalities is in the action of the Legislature.

The commission appointed under the act of May 5, 1876, has well and conscientiously performed its duties. The result of its deliberations and labors are before you in a well digested code, which, while it may be open to objection in some of its details, is yet undoubtedly founded upon the only principles from which a permanent reform in municipal governments can be expected. These principles, as set forth by the commission, may be briefly stated as follows: First, Increased powers of appointment and removal and supervision by the mayor over the executive departments, and the complete separation of the executive

and legislative functions. Secondly, The necessity of providing for an annual tax rate to cover all annual appropriations, and the prohibition of any expenditure for any purpose over the amounts specifically appropriated. Thirdly, The absolute denial or limitation of the powers to create debts.

The New York commission, appointed in 1875, to devise a plan for the government of cities, arrived at, substantially, the same conclusions, which are thus stated in their report.

“A chief executive officer, clothed with the authority of general supervision, and with the unfettered power to appoint the other principal executive officers, except those two, (the chief financial and chief law officer,) whose duties immediately affect the matter of the public expenditures, and with the power of removal, subject, however, to the approval of the Governor.”

“The determination in each year of the sum of money requisite to be expended for all objects and purposes, and what part thereof is to be raised by taxation and the levying of the latter sum. The appropriation, at the same time, of the whole sum to be expended to the several objects and purposes. The prohibition of any expenditure beyond the sums appropriated, by making all contracts or engagements in excess thereof void.”

“A further enforcement of the maxim ‘pay as you go,’ by a prohibition against borrowing money or incurring debt, except under certain specified conditions, not likely to arise often.”

These fundamental principles thus arrived at by the independent labors of two eminent commissions, are essentially indorsed by the leading citizens of all classes and parties, and may, I think, be confidently accepted as the correct basis of a plan of municipal government. There will, of course, be differences of

opinion as to the means and machinery by which these acknowledged principles of municipal government are most effectively to be put into operation, but it is evident that if we wait upon the expectation of harmonizing all differences and debating endless theories, the calamities we seek to avert will be upon us in the midst of the discussion. As the commission justly observe: "If time and experience should develop defects, they can easily be supplied by future legislation, and we feel assured that the benefits resulting from the adoption of the system we propose, will amply compensate for any mistake or omission in mere matters of detail, which are of minor importance."

Admitting fully all that the commission say as to the difficulty and delicacy of repealing all the legislation upon the statute books referring to municipalities, I am still of the opinion that no permanent reform can be justly expected while these loopholes of escape from the provisions of a general plan exist, and I deem it of primary importance, at any risk, that this accumulation of special legislation should be swept away, and the rights vested thereunder be put, if possible, without manifest and lasting injustice in the way of merging into the general system. There is much force in the objection of the minority report, that "The bill proposed does not specifically repeal any law," and that "It is but one more added to the numerous acts governing our cities," and it is very doubtful whether section twenty-seven of the schedule of the bill, which provides that "The councils of existing cities shall, within one year from the approval of this act, designate by ordinance, such of the special acts of Assembly, or parts thereof in force, and not inconsistent herewith, as they severally desire to retain in their respective cities, and all acts not so designated, shall be, and the same are hereby repealed from and after the approval of such ordinance," will

lead to any practical results. It is barely possible that what the commission hesitated to undertake will be satisfactorily performed by the cities' councils.

But even this objection, of whatever force it may be, ought not to deter you from the passage of the act. If in the practical operation of the act, obnoxious special legislation should still survive or be revived, it is something which experience alone, perhaps, can prove, and it will be still in the power of the Legislature, when its pernicious influence shall have been clearly demonstrated, to repeal it, or bring it into harmony with the improved system.

I regret, also, the supposed necessity of retaining and extending the classification of cities; the reasons in support thereof seem to me rather specious than sound. From an examination of the provisions of the bill, I think but little difficulty or inconvenience will be found in adapting its machinery uniformly to all classes of cities. The creation of several classes, containing but a single city each, subjects the system and the taxpayers to the dangers of the most injurious special legislation. To avoid the evils of such legislation, the commission propose an amendment to the Constitution, that the General Assembly shall pass no laws relating to the affairs of any class which embraces but one city, "unless upon application made by joint resolution of the councils thereof, passed by the votes of two-thirds of all the members elected to each branch, recorded by yeas and nays, approved by the mayor." But if it be thought necessary to make a distinction between large and small cities, the trouble of passing such an amendment will be obviated, and every practical requirement filled, and the evils of special legislation, in a great measure, avoided, by dividing the cities of the State into two classes—those containing one hundred thousand inhabitants or over to constitute one class, and all with a population of less than one hundred thousand, the other.

In conclusion, I hope the bill will be early brought forward for discussion and finally passed substantially as it is; if not for the government of all the cities of the Commonwealth, at least for all cities containing one hundred thousand inhabitants or over, or those which now constitute the first and second classes. As applied to those cities, I think the leading principles of the bill, before referred to, will meet the general and unqualified indorsement of the citizens and tax payers, and its machinery and operation be greatly better than the present organization.

The management of the smaller cities is generally more economical and judicious than the administration of the larger ones, and, perhaps, the only change needed in the code of 1874, to adapt it perfectly to their government, is the absolute prohibition of the power to borrow money for any purpose whatever, in order that councilmen may not be tempted to get a cheap reputation for economy, at the expense of posterity, by wilfully levying a tax rate manifestly too small to cover the necessary expenditures then appropriated, without reference thereto, leaving every year a large deficit in the shape of a floating debt, to be finally added to the bonded indebtedness.

The evils which this bill is intended to correct cannot long continue without the most deplorable consequences, and the million and a quarter citizens of the cities of the Commonwealth are looking anxiously to the Legislature for relief from the abuses and dangers which they are unable themselves to reform or escape under the present system of municipal government.

#### EDUCATION.

On the subject of general education, I shall merely repeat my concurrence with the views of the Superintendent of Public Instruction, and indorse his request for a revision and digest of the school laws, the pass-

age of an act for the compulsory education of vagrant and friendless children, and the adoption of a system of industrial training.

The act prepared by the Superintendent of Public Instruction for the education and support of vagrant and friendless children, is in accordance with the recommendation of that officer in his report of 1877, and with the views expressed, from time to time, by the present Administration. Although it has been published and discussed as "A Pennsylvania plan of compulsory education," an examination of its provisions will show that it is best defined by its title as "An act to provide education and maintenance for destitute and neglected children," its main object being to compel the local authorities to provide shelter, food, and clothing for and to educate, employ, and apprentice children without parents or friends, and those whom parents or guardians, either through poverty or crime, habitually neglect. In the latter case, if the parents or guardians are peculiarly able, they may be fined and compelled to give reasonable security for the future support and education of the child, or to pay a part, or all, as able, of the expense of its public maintenance. I cannot see any valid objection to the passage of such a bill. Most of those whom the plan includes will be homeless and parentless children, and, surely, no one will deny their claim to the home the bill provides. The few others who come within its scope will be found, for the post part, of vicious and criminal parentage. I shall not debate the natural rights of individuals in the parental relations, since I am, for my own part, firmly persuaded that the social rights of adults end with the right to illimitably propagate beggars and criminals, and stop short of the privilege to educate them.

On the subject of industrial and technical training, I wish only to call your attention to its relation to

the larger labor question. As the frontiers of civilization recede, the difficulty of transferring the surplus population of our labor centres is yearly increasing. Our mining and manufacturing districts are consequently crowded with capital and labor, which the present diversities of industries cannot absorb. The natural spread of population tends, in a measure, to restore the equilibrium, but the period of growth is probably reached when it is necessary to find employment for an increasing population. Nothing, it seems to me, will so much extend the sphere of activity as a system of industrial education.

Such a system would be costly, and the return to the State, in the extension and elevation of its industries, and the diffusion of greater comfort and content among the people, cannot be accurately measured in dollars and cents. That the material gain in the increase of the value of manufactures, and the decrease in the cost of maintaining order, would balance the original outlay, and the annual appropriations necessary to establish and support the system, is probably too much to assert or expect. But when we consider, that in the last eight years the State has expended \$832,905.30 over and above the ordinary militia expenses, in the suppression of riots, which are not to be considered as the results of an unusually lawless disposition, but rather as the desperate struggles of ignorant men to cut the Gordian knot of a difficulty that only the utmost skill and patience will ever enable society to untie, it will be acknowledged that the gain, in that one item alone, would go a considerable way toward the support of the system.

Confining the problem to Pennsylvania, it does not seem possible to adopt any quicker or better measure than to increase the value and variety of production, and improve the bread-winning powers of the laborer. In other words, to diffuse the technical and artistic



knowledge which increases the rapidity and beauty, and thereby decreases the cost and widens the market of the manufactured article, and to foster the intelligent co-operation of laborers, among themselves and with capital, so as to utilize to the best advantage the class wages. For there is a skill in living quite as important as a skill in earning. And probably there is nothing the American people are more in need of learning.

Such appears to me to be the paramount reason for a system of industrial and technical training. I shall not again present the system which was outlined last year, but I hope the subject will receive at your hands the consideration that it merits.

In this connection, as a preparation for the work, it would be well to continue your patronage to the Pennsylvania Museum and School of Industrial Art, and make some provision for the exhibition and preservation of the valuable scientific library and collections of the Second Geological Survey.

#### ARBITRATION.

The great question of the day, is the so-called conflict of capital and labor. While we need not indulge in gloomy forebodings concerning its outcome, it is certainly a matter that statesmen and legislators cannot safely ignore. All the labor communities of the old world have passed through precisely the same turbulent career of strikes, riots, outrages, and murders, which have excited so much alarm in Pennsylvania. Occurring in every industrial community and under every form of government, they cannot be regarded as menacing particularly republican institutions, nor is the cause to be looked for in our political organization. But the direct and indirect losses and miseries they entail upon the community, demand a patient investigation of the causes and an honest attempt at re-ad-

justment. As mentioned above, the State has paid for the suppression of labor troubles an average of over \$104,000 annually for the past eight years, and even a casual examination of the annals will show that there has been a growing frequency and breadth of trouble and violence, and, consequently, a corresponding increase in the expenses of their suppression. The direct loss to capital, in the destruction of property, has been very great, while the loss from enforced inaction has been enormous. The loss of wages to the working class has amounted to many millions of dollars, and habits of individual independence and thrift have given way to a demoralizing dependence upon organizations. The antagonism of class has been a fruitful source of crime. The large sums expended in the detection and conviction of the perpetrators of these outrages must therefore be placed to the same account. The Mollie Maguire murders, like the agrarian murders in Ireland, and the trades union outrages, arsons, and machine breakings in England, were not the work of the so-called criminal classes. They did not originate in the depravity which deliberately selects criminality as a mode of life or result from the sudden temptations of passion or avarice. They were essentially class murders; and as is always the case in the bitterness engendered by such contention, their criminality was ignored by many of the class and nationality outside of the guilty circle of the order. If some of the leading spirits of the class had been members of a board of arbitration as representatives of labor, with some of the employers or their agents as representatives of capital, it is not unreasonable to suppose that most of the disagreements that have kept the coal regions in a state of turmoil, might have been amicably adjusted, and many of those who were assassinated and of those who have been hanged, living today, if spared in the ordinary course of nature, the life

of the average citizen with all its undeveloped possibilities of good and evil.

Under these circumstances it becomes a highly important question whether the policy of repression is the best remedy that the wisdom and humanity of the age can devise. It must eventually prove a failure in the United States. Under our political institutions the best way to promote the spread of communistic ideas is to hedge property with bayonets. In the long run, the policy of elevation is safer, and cheaper than the policy of repression. Probably no social movements are governed so little by considerations of interest or more by mere sentiment and passion than strikes and their attendant agitations. Strikes are precipitated without reference to conditions or prospects of trade or market, and obstinately prolonged after all hope of success has vanished. Indeed, the chief obstacle to any re-adjustment of the relations of capital and labor is a sentimental antagonism and unreasoning jealousy. It is this which prevents a mutual understanding and knowledge of interests and motives. How much the action of the Legislature can do to establish better relations is something that can best be learned from past and future experience. It is certain, however, that to be wholly effective arbitration of disputed points must be voluntary, and possibly all that the Legislature can do is to prepare the way for such a system by disseminating information of its formation, operation and advantages, and enacting a simple code as a model for voluntary arbitration.

In England, the system of arbitration and conciliation originated with the manufacturers and operators, and has changed, where ever fairly tried, the old feeling of bitter hostility between the employers and the employed, into one of mutual respect and confidence. With the same class in Pennsylvania, lies the respon-

sibility of the initiative; with the Legislature, the responsibility of education.

Deeply impressed with the importance of bringing about, if possible, a mutual understanding of the two classes, and creating an arrangement for the amicable and rational settlement of all disputes and controversies, I gladly availed myself, in the early part of the year, of the services of a gentleman, a student of industrial questions, who visited England to investigate the form, practical workings, and results of the various systems of arbitration in operation there, and commissioned him a special agent, under the seal of the State, to examine and report the same on behalf of the Commonwealth. His report, which is the fullest, clearest, and most satisfactory presentation of the subject I have ever seen, I have the honor to transmit herewith, and I would respectfully suggest that its wide publication, and especially among the laboring classes, will do much to produce the accurate knowledge, and the unprejudiced and rational views of the subject, out of which arbitration must, eventually, grow.

I have refrained from any discussion of the system, which is elaborately presented in the report, and confined myself to urging its necessity. I shall close simply by summing its results. Wherever established, an intelligent co-operation between employers and employed has been effected and steady employment secured at those rates of wages, which the industrial conditions of a competitive market enabled capital to pay, and maintain a steady production. Strikes, riots, outrages, and trades union murders have become things of the past. In prosperous times labor has shared in the increased profits of capital, and in periods of depression each has mutually supported the other with the minimum of loss and suffering.

## PENAL, REFORMATORY AND ELEEMOSYNARY INSTITUTIONS.

The reports of the Board of Public Charities and of the inspectors and superintendents, will present to you the generally satisfactory condition of the various penal, reformatory, and eleemosynary institutions of the State. Since the formation of the Board, in 1869, great reforms have been introduced in the public institutions coming under its supervision, and the wisdom of its creation has been shown by a more effective and economical use of public moneys, and a marked improvement in the care of the defective and criminal classes. During the year, the Board met with the loss of two of its members. In 1875, upon the resignation of Mr. Harrison, the Honorable G. Dawson Coleman became a member of the Board, and up to the time of his death, on the ninth day of September, 1878, gave to its work the valuable assistance of his broad and liberal views, wide experience, and mature judgment. On the first day of January, 1879, the Honorable Francis Wells severed his connection with the Board. For over five years, Mr. Wells has labored in the cause of public charity, with a zeal and intelligence which have a partial reward in the satisfaction for great improvements he has assisted to make, and a knowledge of the confidence and support which the disinterested labors of the Board have won from the people and their representatives.

The over-crowded condition of the Eastern and Western Penitentiaries will continue until the completion of the new Western and Middle Penitentiaries. The old institutions have found some local relief in the measures recommended and adopted last year. The inspectors of the Western Penitentiary have taken possession of the Reform School property, and have already removed one hundred and fifty prisoners to the new premises, thus relieving the old prison, and

setting the convicts at wholesome and remunerative out-door work. The letter of the President of the Board, herewith transmitted, will explain fully the sums needed, exclusive of the annual appropriation, to complete the removal of the old and the building of the new penitentiary, with a capacity of one thousand cells, which, in the opinion of the inspectors, will be sufficient for the prison population of the western district, for many years to come.

The inspectors of the Eastern Penitentiary have completed two new corridors, increasing the cell capacity of the prison to six hundred and eighty, and before the summer, eighty-five more cells will be ready for use. Even this increase will give them very inadequate accommodations for eleven hundred and eighty convicts. The report of the inspectors will be transmitted early in February, together with the valuable statistical tables, which are prepared with so much care and judgment by the gentlemen of the board.

The commissioners appointed under the act to provide for the erection of the Middle Penitentiary have located the same at Huntingdon, and are now negotiating for a tract of ground of about twenty acres, agreeably to the provisions of the act.

As it will be some time before the convicts of the middle district, now confined in the Eastern and Western Penitentiaries, can be removed, I respectfully renew the recommendation to modify the law so that only those criminals who are sentenced to not less than two years imprisonment, at separate and solitary confinement, may be sent to the penitentiaries. The reasons for such change were given at length in the message of 1877, and the necessity of providing as ample relief as possible to the old institutions, pending the building of the new prisons, will acquire additional force from year to year, and even when all the prison extensions now in progress are completed,

such a modification of the law will still be necessary to secure all the benefits of the increased capacity of our penitentiaries.

The reports of the superintendents of the various State asylums for the insane, and of the commissioners of the State Hospitals at Warren and Norristown, will accompany the report of the Board of Public Charities. I need not remind the Legislature of the necessity of early and full appropriations for their support and completion. By a well-timed liberality, parts of the hospital at Warren can be ready for the reception of patients towards the close of 1879, and the hospital at Norristown in like condition some time next year.

The care of the criminal insane was the subject of a memorial of a committee of the Medical Society of Pennsylvania in 1874, and of the report of the commissioners designated by the Legislature in 1875, both of which were referred to in the messages of the respective years. "Insanity but seldom renders its victims better than before in any respect; more generally, indeed, it adds darker and more repulsive features to the character. The insane criminals are much more prone than the rest of the insane to commit dangerous and violent acts; to be concocting plans of escape, rebellion, or mutiny; to torment the feeble and irascible about them; to teach new lessons in depravity"—is the testimony of an experienced and discriminating writer. It seems to be the duty of the State, therefore, to provide for their separate confinement. The class is small, and, perhaps, some modification in one of the hospitals or penitentiaries now building would answer all purposes.

#### THE NATIONAL GUARD.

Pennsylvania now has a well organized, armed, and disciplined force of militia. Although still perhaps

somewhat larger than absolutely necessary, the policy of the administration to make a small, compact, and efficient body of troops has been steadily pursued. When compared with the organization and numbers in 1872, the soldier-like results of the different consolidations and our progress toward a perfect military system are clearly apparent. In 1872, there were twenty-one divisions, with three hundred and twenty-three companies, comprising 1,126 commissioned officers and 13,566 enlisted men. In 1879, the State constitutes one division, divided into five brigades, aggregating one hundred and forty companies of infantry, five cavalry companies, and four batteries of artillery. The muster roll of the Guard now numbers 608 commissioned officers, and 8,200 non-commissioned officers and men.

The law of 1878, under which the re-organization has been made, provided for the expenditure of the gratuity of the State in fatigue uniforms and equipments, until every organization was fully equipped for active service. Under this provision, those of the troops, who were without uniforms and equipments acceptable to the Adjutant General, were supplied, during the year, with State uniforms, of the army pattern and standard. The soldierly appearance and solidity of the Guard, when assembled for inspection or parade, were highly satisfactory to its members and its friends.

Steps are now being taken to supply the troops with great coats, the officers and men having, with commendable spirit, given the pay allowed for attendance at the annual inspection, for that purpose. Instead of extending the equipment over a number of years, and taking the cost from the annual gratuities, it would be more satisfactory if the State would appropriate, in full, the sum necessary to equip the troops for active service. The amount is compara-



tively small, and the advance will be amply repaid in the readiness of the Guard for active and continuous duty, and its increased spirit, from a sense of efficiency and appreciation of a substantial recognition of its services and worth.

#### GEOLOGICAL SURVEY.

The report of progress of the Board of Commissioners of the Second Geological Survey of Pennsylvania will be laid before you. The present appropriation will carry them to the end of 1879, and an additional appropriation of \$100,000 for 1880 and 1881 will be required to complete the work. A catalogue of the large collection of books and specimens made by the surveyors during the progress of the work has been published, and I again invite your attention to the necessity of providing for the exhibition and preservation of these valuable scientific objects. The survey has already cost the State much more than the original estimates, but its thorough prosecution to the end will give us a final survey, upon the accuracy of which the business enterprise and scientific research of future ages can confidently rely. I shall therefore make no apology, even in the present state of our finances, for recommending the appropriations necessary to complete the survey and publish and preserve its results.

I have been furnished with an advanced copy of the memorial of the Engineers' Club of Philadelphia, and citizens of Pennsylvania, to your honorable bodies, praying for State co-operation with the United States Coast Survey, in the geodetic survey of the State, authorized by act of Congress in 1871. Under this law, work was commenced in Pennsylvania in 1875, but owing to the limited appropriations which the General Government is able to divide pro rata amongst the many States now conducting surveys, the work

progresses very slowly, and may occupy twenty or thirty years. The amount of State aid needed for surveying, draughting, and publishing maps, etc., is estimated at twenty-five thousand dollars annually for five years. Although the opportunity is one that at some future time it may be well to take advantage of, I cannot persuade myself that at the present time it would be prudent to undertake it on so extensive a scale. But I think it would be well to assist the United States Coast Survey with the small annual appropriation of three thousand dollars asked for in the interest of the Second Geological Survey and the Land Department of the Office of Internal Affairs, to determine certain important stations, lines, and boundaries.

#### THE NORTHERN AND WESTERN BOUNDARIES.

The northern boundary of the State has been traced, with the exception of fifteen miles unexplored, and some twenty miles still requiring revision. The work, for some time, has been carried on at the cost of the State of New York, as the appropriation to meet the portion of the expenses properly falling upon Pennsylvania failed in the last Legislature, for want of time. The sum of six thousand dollars will be required of Pennsylvania to finish the work, and equalize the expenditures of the two States.

The full report of this commission, and also of the one appointed under the act of May 18, 1878, to act in conjunction with similar commissions from the States of Ohio and West Virginia, to retrace the boundaries between the three States, and replace the monuments thereon, have been sent to the Secretary of Internal Affairs, according to law, and are transmitted with the reports of that officer.

## PENNSYLVANIA ARCHIVES.

The publication of the second series of Pennsylvania Archives has been carried forward to the completion of seven volumes, to which it was restricted by the act of March 23, 1877. The original act of May 13, 1874, provided for the publication of all the papers of historical value relating to the period of the Revolution, the "whisky insurrection," and the war of 1812. Two volumes, containing the rolls and records of the Pennsylvania line and militia of the Revolution, upon which much time and labor has been expended, and, in interest, perhaps, more important than any of the volumes thus far published, together with about two volumes of marriage records, fully prepared, remain in manuscript, while the documents relating to the war of 1812, have not been reached. In view of the importance of this material, which the common misfortune of fire might place beyond recovery, as in the case of the records of the Revolution at Washington, I would recommend the repeal of the restriction as to the number of volumes, in order that the contemplated publication may be completed under the present editors, who will supervise it, without further charge.

## FREIGHT DISCRIMINATION.

The discussion of freight discrimination occupied a prominent place in the questions of the year. The producers' memorial, of August 16, 1878, charged, in the most specific manner, that the railroad companies had allowed the Standard Oil Company unlawful drawbacks and rebates in freight charges denied to others. The railroad authorities denied that the companies had made unlawful discriminations. They did not deny the fact, but asserted its legality. It is, therefore, a question of law, and as such, can only be

settled in the courts. The only preliminary question arising is the propriety of the State, instead of individuals, making the issue. The State desires to establish, for the mutual relation of her great producing and transporting industries, a principle of law. The State alone can fix that principle, in the broad and general way that will hereafter govern the policy of those industries. Individuals can only laboriously and expensively, one by one, secure individual rights; the State can at once, by this proceeding, make efficacious the seventh section of Article XVII of the Constitution, and establish the just and legal basis of equal and open transportation. It is to the interests of all the north-western and western sections of the State, of merchants and business men everywhere, and of immense importance to Philadelphia and Pittsburgh, as exporting ports, that the yield of Pennsylvania's soil, and the fruits of Pennsylvania's labor should have free and fair transportation to all points of the State, and to the sea-board. It is to the interests of the stockholders of the railroads, and of deeper interest to the people of Pennsylvania, that the bitter and growing prejudice against transporting corporations should be proved to be unfounded and unjust, or the causes thereof be speedily and effectually removed.

I have long been convinced that the question of general governmental supervision of inter-state and overland commerce, is pressing upon us, and, while I did not think it my duty to interfere, pending the attempt of the parties to settle their relations by mutual agreement, or by legislation, I have not hesitated to promptly take advantage of the first appeal to the Executive, to secure, if possible, an authoritative and binding declaration by the highest judicial tribunal of the State, of the duties and obligations of corporations, under the provisions of the Constitution.

## MISCELLANEOUS.

Among the numerous subjects that will occupy your attention, I beg leave to briefly emphasize a few that appear of more than ordinary importance.

The establishment of a State Board of Health was urged in the message of 1877, and briefly referred to in that of last year. The Medical Society of the State of Pennsylvania will again bring the matter to the attention of the Legislature. The experience of the past year has shown the desirableness of such a department to improve the hygienic condition of the people and insure against epidemics. Second only to its police duties, if not, indeed, a part of them, is the obligation of government to enforce the sanitary regulations necessary for the healthfulness of society. I hope you will not fail to give the bill presented a favorable consideration.

Complaints are frequently made at the office of the Secretary of the Commonwealth by judges, of the inadequacy of the bonds for recorders of deeds. As fixed in 1877, they are wholly disproportionate to the present business of the offices. They should be increased to correspond with the value of the present records, and with the bonds of the other county officers.

The current wants of the State Library absorb the greater part of the usual appropriation, leaving very little for the purchase of valuable matter or the preparation for reference and preservation of original manuscripts. The collection of documents pamphlets, books, paper files, maps, and manuscripts concerning the history of Pennsylvania is very incomplete. Within a short time many valuable things relating to the early history of the Commonwealth were in the market, but the librarian had no appropriation with which to buy them. An additional appropriation ought to be given to the librarian, with discretion to purchase such valuable historical and

rare literary materials as may be offered from time to time, to complete the records of the library.

The Fish Commissioners have been very successful in introducing the sea salmon into the Delaware and Susquehanna rivers, and have filled our streams with a plentiful supply of black bass and brook trout. The attempt to propagate the California salmon also promises well, and the results of the year have been to finally prove the feasibility of stocking the waters of the State with a constant and abundant supply of the best food fishes. Some additional legislative support may be necessary to enable the Commissioners to carry on and protect their labors, which will revive a profitable industry, and furnish the people a cheap and acceptable article of food.

#### IN MEMORIAM.

The country has suffered the loss, during the year, of three distinguished Pennsylvanians. On the twenty-first day of August, in the thirty-fourth year of his age, Henry Armit Brown, died at Philadelphia. He belonged to public life only in the higher sense of simple citizenship, for he held no office, except the high position of a leader of men, and wielded no authority except the noble influence of a pure and strong life. At the time of his death, he had just completed the masterly orations on Revolutionary events, upon which his reputation as a scholar and orator will eventually rest after the personal recollections of the gentleman have faded into tradition.

On the nineteenth day of December, in the fifty-fourth year of his age, Bayard Taylor died at Berlin. Although he had filled several positions abroad, he was best known to the public as a traveler, a journalist, and a man of letters. His fame rests upon numerous works of travel, of fiction, and of poetry, and translations, the fruits of an exceedingly busy life. His ap-

pointment as minister to Germany was received with general satisfaction, and his death is regarded as a public misfortune. The nation loses one of its most trustworthy and acceptable representatives, and Pennsylvania one of her most distinguished citizens.

To these words in remembrance of the younger sons of Pennsylvania, I am called to add the memorial of the venerable citizen of its metropolis, the State, and the country. Morton McMichael died at Philadelphia, on the sixth of January, 1879, at the age of seventy-one. An actor in his country's history for half a century; the friend and associate of Webster and Clay of one generation, and of Lincoln and Grant of another, he filled the circle of fullest citizenship. When office came within the sphere of his duties, he filled it with signal ability and scrupulous fidelity, and lived as a private citizen, one of those exceptional lives, that without illustrious deeds, by the quiet, unlabored, and perfect performance of every duty, make men great. With such men, full of years and honors, death itself seems almost like the performance of a sacred duty.

#### CONCLUSION.

Before your session closes I shall have resigned the trusts committed to my care. I think it proper to extend to the people, through their chosen representatives, my thanks for their confidence and support, and my earnest desire for the welfare of the State. Containing within its borders all the elements of empire and civilization, we may justly look forward to the time when its cities will be the Sheffields and Birminghams of the Western Hemisphere, and the Delaware river the Clyde. But I shall not detain you by any eulogium upon Pennsylvania, or indulge in any speculations concerning the future. To-day it pours over a continent its treasures of coal and iron, of oil and lumber. I believe its true progress lies in extending

its industries and educating its laborers. As said last year, the great warfare of the nineteenth century is industrial warfare. In this contest Pennsylvania will enter with unrivaled resources, and wise and liberal legislation ought to give an army of skilled workmen that will win a noble victory. That destiny this generation may not realize, but it is for us to lay its broad foundations in the varied products of its soil, and in the intelligence and virtues of its people. With that end in view, let us invoke the assistance of the same Power that has guided Pennsylvania to its present high position, to enable us to mould its social relations in accordance with His immutable laws, and hand the noble Commonwealth to our successors with a higher civilization and a yet happier people.

J. F. HARTRANFT.

Harrisburg, January 7, 1879.

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To the Senate Nominating James Young a Member  
of the State Board of Agriculture.

Executive Chamber,  
Harrisburg, January 8, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James Young, Esquire, of the county of Dauphin, to be a member of the State Board of Agriculture for the term of three years.

J. F. HARTRANFT.



To the Senate Nominating William F. Scott an Associate Judge for Green County.

Executive Chamber,  
Harrisburg, January 8, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William F. Scott, of Waynesburg, Pennsylvania, to be associate judge in and for the county of Greene, until the first Monday of January, 1880.

J. F. HARTRANFT.

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To the Senate Nominating Trustees for the Hospital for the Insane at Danville.

Executive Chamber,  
Harrisburg, January 8, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the hospital for the insane at Danville, Pennsylvania, for the term of three years, viz:

Hugh Young, Esquire, Wellsboro', Tioga county, Pennsylvania.

Benjamin M. Throop, Esquire, Scranton, Lackawanna county, Pennsylvania.

Charles S. Minor, Esquire, Honesdale, Wayne county, Pennsylvania.

J. F. HARTRANFT.

Proclamation of the Cancellation of Nine Million One Hundred and Three Thousand Three Hundred and Eighty Nine Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss:



wealth.

IN THE NAME AND BY  
the Authority of the Com-  
monwealth of Pennsylva-  
nia. JOHN F. HARTRANFT,  
Governor of the Said Common-

A PROCLAMATION.

Whereas, By the third section of the act of the General Assembly of this Commonwealth, entitled "An act to establish a sinking fund for the payment of the public debt," approved the 22nd day of April, A. D. 1858, and the supplement thereto, approved the 10th day of April, A. D. 1868, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the first above recited act of the General Assembly to report annually and certify to the Governor the amount received under the said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his Proclamation stating the fact, and the extinguishment and final discharge of so much of the principal of said debt:

And whereas, The Commissioners of the Sinking Fund, in obedience to the requirements of law, have reported and certified to me that the amount of the debt of the Commonwealth of Pennsylvania redeemed



and held by them, from the first day of December A. D. 1876, to and including the 30th day of November A. D. 1878, is Nine Million one hundred and three thousand three hundred and eighty nine dollars and eighty-three cents, and of this amount, eight millions of dollars were redeemed from the proceeds of the sale of the loan authorized by an act of the General Assembly, entitled "An Act to create a five per cent loan for the redemption of maturing loans of the Commonwealth," approved the 20th day of March, A. D. 1877.

Now Therefore, as required by the third section of the act of the General Assembly first above mentioned, I, John F. Hartranft, Governor as aforesaid, do hereby issue this my Proclamation, declaring the payment, cancellation and extinguishment of Nine Million one hundred and three thousand, three hundred and eighty-nine dollars and eighty three cents of the principal of the public debt of this Commonwealth—eight million dollars of this amount having been paid from the proceeds of the sale of the loan authorized by the act of March 20th, A. D. 1877 as aforesaid.

Given under my Hand and the Great Seal of the State, at Harrisburg, this 15th day of January in the year of our Lord one thousand eight hundred and seventy-nine, and of the Commonwealth the one hundred and third.

J. F. HARTRANFT.

By the Governor:

John Blair Linn,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress.—1879.

Pennsylvania, ss:



wealth.

IN THE NAME AND BY the Authority of the Commonwealth of Pennsylvania. JOHN F. HARTRANFT, Governor of the Said Common-

A PROCLAMATION.

Whereas, In and by an Act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the Second day of July, Anno Domini one thousand eight hundred and thirty nine, it is made the duty of the Governor, on the receipt of the returns of the election of members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by Proclamation the names of the persons returned as elected in the respective Districts:

And Whereas, The returns of the General Election held on Tuesday the Fifth day of November last past for Representatives of the people of this State in the House of Representatives of the Congress of the United States, for the term of two years from the Fourth day of March next, have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited Act of the General Assembly, whereby it appears that in the First District, composed of the First, Second, Seventh, Twenty-sixth and Thirtieth Wards of the City of Philadelphia, Henry H. Bingham has been duly elected. In the Second district, composed of the Eighth, Ninth, Tenth, Thir-



teenth, Fourteenth and Twentieth Wards of the City of Philadelphia, and that part of the Seventeenth Ward of said city lying West of Second Street, that Charles O'Neill has been duly elected.

In the Third District, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth and Sixteenth Wards of the City of Philadelphia, Samuel J. Randall has been duly elected.

In the Fourth District, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth Wards of the City of Philadelphia, William D. Kelley has been duly elected.

In the Fifth District, composed of the Eighteenth, Nineteenth, Twenty-second, Twenty-third, Twenty-fifth and Twenty-first Wards of the City of Philadelphia, and that part of the Seventeenth Ward of said city lying East of Second Street, Alfred C. Harmer has been duly elected.

In the Sixth District, composed of the counties of Chester and Delaware, William Ward has been duly elected.

In the Seventh District, composed of the county of Montgomery and all that portion of the County of Bucks not included in the Tenth District, William Godshalk has been duly elected.

In the Eighth District, composed of the County of Berks, Hiester Clymer has been duly elected.

In the Ninth District, composed of the County of Lancaster, A. Herr Smith has been duly elected.

In the Tenth District, composed of the Counties of Northampton and Lehigh, and the townships of Durham, Milford, Springfield, Richland, Rockhill, Haycock, Nockamixon, and Tinicum, and the borough of Quakertown, in the County of Bucks, Reben K. Bachman has been duly elected.

In the Eleventh District, composed of the Counties of Columbia, Montour, Carbon, Monroe and Pike, and

the township of Bucks, Roaring Brook and Spring Brook, and the borough of Dunmore and Gouldsboro, and that portion of the City of Scranton South of Roaring Brook Creek and East of Lackawanna river, all in the County of Lackawanna, and the following townships and boroughs in the County of Luzerne, towit: The townships of Nescopee, Black Creek, Sugar Loaf, Butler, Hazel, Foster, Bear Creek, Buck, Salem, Hollenback, Huntingdon and Fairmount, and the boroughs of New Columbus, White Haven, Jeddo and Hazleton, Robert Klotz has been duly elected.

In the Twelfth District, composed of the parts of Lackawanna and Luzerne counties not included in the Eleventh District, Henry B. Wright has been duly elected.

In the Thirteenth District, composed of the County of Schuylkill, John W. Ryon has been duly elected.

In the Fourteenth District, composed of the counties of Dauphin, Lebanon and Northumberland, John W. Killinger has been duly elected.

In the Fifteenth District, composed of the counties of Bradford, Susquehanna, Wayne and Wyoming, Edward Overton, Jr., has been duly elected.

In the Sixteenth District, composed of the counties of Tioga, Potter, McKean, Cameron, Lycoming and Sullivan, John I. Mitchell has been duly elected.

In the Seventeenth District, composed of the counties of Columbia, Bedford, Blair and Somerset, Alexander H. Coffroth has been duly elected.

In the Eighteenth District, composed of the counties of Franklin, Fulton, Juniata, Huntingdon, Snyder and Perry, Horatio G. Fisher has been duly elected.

In the Nineteenth District, composed of the counties of York, Adams and Cumberland, Frank E. Beltzhoover has been duly elected.

In the Twentieth District, composed of the counties of Union, Clinton, Clearfield, Elk, Mifflin and Centre, Seth H. Yocum has been duly elected.

In the Twenty-first District, composed of the counties of Westmoreland, Greene and Fayette, Morgan R. Wise has been duly elected.

In the Twenty-second District, composed of the City of Pittsburg, and the townships of Chartiers, Union, Scott, Stone, Robinson, Upper and Lower Saint Clair, Baldwin, Wilkins, Penn, Snowden, Mifflin and Jefferson, and the boroughs of Mansfield, Chartiers, Bradocks and West Elizabeth, in the County of Allegheny, Russell Errett has been duly elected.

In the Twenty-third District, composed of all that portion of Allegheny County not included in the Twenty-second District, Thomas M. Bayne has been duly elected.

In the Twenty-fourth District, composed of the counties of Washington, Beaver and Lawrence, William S. Shallenberger has been duly elected.

In the Twenty-fifth District, composed of the Counties of Clarion, Armstrong, Indiana, Forest and Jefferson, Harry White has been duly elected.

In the Twenty-sixth District, composed of the Counties of Butler, Mercer and Crawford, Samuel B. Dick has been duly elected.

In the Twenty-seventh District, composed of the Counties of Erie, Warren and Venango, J. H. Osmer has been duly elected.

Now Therefore, I, John F. Hartranft, Governor as aforesaid, have issued this my Proclamation, hereby publishing and declaring that Henry H. Bingham, Charles O'Neill, Samuel J. Randall, William D. Kelley, Alfred C. Harmer, William Ward, William Godshalk, Hiester Clymer, A. Herr Smith, Reuben K. Bachman, Robert Klotz, Hendrick B. Wright, John W. Ryon, John W. Killinger, Edward Overton, Jr., John I. Mitchell, Alexander H. Coffroth, Horatio G. Fisher, Frank E. Beltzhoover, Seth H. Yocum, Morgan R. Wise, Russell Errett, Thomas M. Bayne, William S. Shallen-

berger, Harry White, Samuel B. Dick and J. H. Osmer have been returned as duly elected in the several districts before mentioned, as representatives of the people of this State, in the House of Representatives of the Congress of the United States, for the term of two years from the Fourth day of March next.

Given under my Hand and the Great Seal of the State, at Harrisburg, this 16th day of January, in the Year of our Lord One thousand eight hundred and seventy-nine, and of the Commonwealth the One hundred and third.

J. F. HARTRANFT.

By the Governor:

John Blair Linn,

Secretary of the Commonwealth.

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To the Senate Nominating Brigadier Generals of the National Guard.

Executive Chamber,  
Harrisburg, January 16, 1879.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be brigadier generals of the National Guard, viz:

H. S. Huidekoper, to rank from September 17, 1870.

Joshua K. Sigfried, to rank from October 1, 1870.

James A. Beaver, to rank from October 12, 1870.

George R. Snowden, to rank from ———— ————.

J. F. HARTRANFT.



To the Assembly Concerning a Compilation of the Corporation Laws of the State, with a Letter from the Attorney General Relative Thereto.

Executive Chamber,  
Harrisburg, January 20, 1879.

Gentlemen:—

**I**N PURSUANCE OF THE JOINT RESOLUTION directing the compilation of the corporation laws of the State of Pennsylvania, approved May 16, 1878, I have had prepared under my direction, a "compilation showing the text of all the general laws which still affect the government and control of the different classes of corporations in this State." The work has been carefully prepared by A. K. Pedrick, Esquire, and I have the honor to present the same to the Legislature, as required by said joint resolution, together with the certificate of the attorney general, as to the manner in which the work has been performed, he having examined the same by my direction.

J. F. HARTRANFT.

Office of Attorney General,  
Harrisburg, January 20, 1879.

His Excellency John F. Hartranft, Governor of Pennsylvania:

Dear Sir: I have examined "the compilation of the corporation laws of the State of Pennsylvania," prepared under the direction of your Excellency, in pursuance of a joint resolution passed by the Legislature, approved the 16th of May, A. D. 1878, and I find that Mr. A. K. Pedrick, who had charge of the work, has performed his duty carefully, intelligently, and conscientiously. Without being able to say, that nothing has been omitted, which can be done only by the labor of the compiler, and a repetition of his work, I have made such an examination of the compilation, as to enable me to certify that it embraces all the subjects, and that they are so arranged as to render them convenient for reference, and to fulfill the object of the joint resolution. The divisions of the various classes of corporations under appropriate titles, alphabetically arranged, with references to the pamphlet laws, where they may be found, are very complete.

The work will be found very valuable for the purpose recited in the joint resolution, "to guide future legislation, and to secure uniformity in the laws," but it will be a great help and convenience to the legal profession.

Very respectfully,

Your obedient servant,

GEORGE LEAR,  
Attorney General.





*Henry M. Hoyt*

HENRY MARTYN HOYT,  
Governor of the Common-  
wealth.  
1879-1883



### Chapter III.

HENRY MARTYN HOYT,

Governor of the Commonwealth,

1879-1883.

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**H**ISTORY WILL RECOGNIZE THE WEIGHT OF the personality of Governor Hoyt among the chief magistrates of the Commonwealth. He was born of English ancestry, at Kingston, in 1830. Prepared by an early education at the old Wilkes-Barre Academy and Wyoming Seminary, he passed two years at Lafayette College and was graduated at Williams College in 1849. The following year, he taught in the Academy at Towanda, and in 1851 he became Professor of Mathematics in Wyoming Seminary at Kingston; he also taught in the graded schools of Memphis, Tenn., for one year. Finally entering upon the study of law, he was admitted to the bar of Luzerne county in 1853. In 1855 he was an unsuccessful Whig candidate for District Attorney.

He offered his services promptly upon the outbreak of the War of the Rebellion and actively engaged in raising the 52d Pennsylvania Volunteers of which he was commissioned Lieutenant Colonel, and, two years

later, Colonel. His regiment participated in the Peninsula in the reconnoissance from Bötton's Bridge to Green Pines and was selected to hold the enemy in check at the passages of the Chickahominy. He was engaged in the siege at Fort Wagner. In 1864 he was captured with nearly his entire command of a hundred and twenty men in a night attack with small boats upon Fort Johnson in Charleston Harbor. While en route to prison, he with four other Union officers escaped from the cars, but were recaptured by the aid of blood hounds; during his imprisonment in Charleston, he was one of fifty officers who were placed under the fire of the Union guns in retaliation for an alleged violation of the usages of war by the Northern army in course of the siege. Shortly before the close of the war he was exchanged and rejoined his regiment, to be mustered out soon after with the brevet of Brigadier General.

Having returned to his home General Hoyt resumed the practice of law, and meanwhile keeping in touch with public affairs. His interest in education found an outlet in membership in the Wilkes-Barre school board and his legal eminence was recognized in his appointment by Governor Geary in 1867 as Additional Law Judge of the county of Luzerne. In 1869 he was appointed Collector of Internal Revenue for the Counties of Luzerne and Susquehanna, but resigned in 1873. In 1875 he was chosen Chairman of the Republican State Committee.



In 1878 he was the nominee of his party for Governor. The question of the resumption of specie payments was then creating great excitement and it was thought by many that no candidate could be elected upon a hard money platform, but General Hoyt sounded the keynote of his campaign in the declaration "Professing to be an honest man, and the candidate of an honest party, I believe in honest money;" and he was elected upon that issue by a large majority. His was a four years' term, being the first Governor to serve under the Constitution of 1873. Governor Hoyt's administration was characterized by conscientiousness and integrity. The State debt, falling due during his term of office, was refunded at very favorable rates of interest, making an annual saving to the State of several hundred thousand dollars. To his influence was due the abandonment of the plan to establish a penitentiary at Huntingdon and the substitution therefor of an Industrial Reformatory, where unfortunate criminals, not yet hardened in crime, might be brought under good influences with a prospect of restoration to society as useful citizens.

Upon the expiration of his term of service Governor Hoyt resumed the practice of his profession in Philadelphia, where he died on the 1st of December, 1892, after occupying the gubernatorial chair from January 18, 1879, to January 16, 1883.

## Inaugural Address to the Assembly.

WE ARE ASSOCIATED TO-DAY, IN THE OBSERVANCE of a time honored custom. To you, the occasion which convenes us is mainly ceremonial in its character. And yet not only to you who are gathered immediately within the sound of my voice, but to all the citizens of the State it is an occasion of serious import. You and they are to witness a change in the Chief Magistracy of your Commonwealth. To myself, it is more significant. While I gratefully accept my share of the pleasure incident to a pageant like this, it is suggestive of delicate duties and grave responsibilities. Elected to be Chief Magistrate of the State, my official life begins here and now.

You have witnessed in my assumption of the oath of office, a sacred appeal to Almighty God, and a solemn pledge of fidelity in the discharge of my official obligations. "The Supreme Executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed." This is the language of our State Constitution. It briefly, simply, and adequately defines my principal duty. I fully understand these words—I fully comprehend the oath I have just taken. The people of Pennsylvania expect me to keep that oath. By the help of their prayers, and by the favor of Divine Providence, I expect to keep it.

It will be a common pleasure to us, to be exempted from giving special attention, at this time, to matters of public business. The conspicuous ability and the long and varied experience of my distinguished predecessor, has permitted nothing to escape his attention which concerned the public good, or was of sufficient importance to be commended to the special action of the General Assembly, or which might challenge the consideration of the people. His last annual message is a document, at once so judicious, timely and comprehensive in its review of public affairs and

its recommendations, as to relieve me, for the present, from all care in respect to that branch of the executive duty. I may, therefore, regard myself as at liberty to glance at some topics, not inappropriate to this occasion, in which all good citizens feel a deep concern.

The question uppermost in the mind of the country relates to the revival of business. The last five years will be memorable in our national history as a period of industrial depression, and consequent social distress. These five years have disclosed the causes of our troubles, and their experience should lead us up to the true methods of recovery. They will be found to lie in the moral forces of society, and not in legislative enactments or executive interference. I shall offer you no discourse upon the financial theories which have vexed us during these years. We have come, with great unanimity, to recognize the actual facts which lie at the bottom of this whole subject. A generation of younger business men had come upon the stage at a period of excitement, following the war, and of speculation, fairly reaching the degree of gambling. The vastly expanded credit, which men gave, one to another, in all forms of business, the result of an inflated currency, led to unnatural values, as measured in such currency. The temptations for contracting debts were great, and not easily resisted. We spent more than we earned; we forgot that "the extravagance of the rich was not the gain of the poor"—"that profusion and waste were not for the good of trade"—and that everything consumed and destroyed was so much lost in the labor which had produced it. Circulating capital was locked up in fixed property. The wages-fund was impaired. We abandoned the maxims of experience and the simplest truths in political economy. We measured values by a standard not common to the civilized world with whom we were in daily and necessary commercial intercourse. We failed to re-

member that the issue of paper money, whether green backs, national bank notes, bills of exchange, or checks, did not add a dollar to the wealth of the nation, and that while indispensable as a circulating medium, it could only have a representative value. We did not advert sufficiently to the present physical and financial fact, that by the tacit agreement of the nations, the precious metals are the only standard of value, the only "current money with the merchant." We did not seem to know that the instincts of a practical, shrewd, and enterprising nation of business men must finally and forever reject the use of an irredeemable currency. At the last, pay day came, as it always must, and bankruptcy came with it, as it always will under like causes. Our capacity to consume was destroyed. The producer was without buyers for his merchandise. Debtor and creditor alike had to pause for the day of settlement. A system of economy and saving was forced upon us, and it was the one process to restore us. It cost us a hard struggle, self-denial and suffering, but the result was health, moral and financial. The virtues of sobriety and industry, renewed in practice, give us discipline and strength. They widened and deepened our manhood and womanhood. Discarding the cheap devices of mere theorists, the dishonest proposals of mere agitators, and the charlatanism of a political economy which undertook to teach us how to create wealth without labor, we are now ready to go forward. Henceforth we are to produce and exchange actual things, and not gamble in merely fictitious values. Resumption has taken place, confidence is restored, and business will flow in healthy channels so long as values are stable and their measure honest. Pennsylvania is an empire in its resources, and her people in the past have developed and used them only by the virtues of labor and economy. For the future we must accept the same conditions.

It is possible that, within our borders, there may be required some readjustment of our population to the centers of industry—some re-distribution of labor and capital. Your Bureau of Labor and Statistics, when adequately organized and administered, will furnish abundant data upon which the intelligence of the people will act.

I desire here to bespeak the freest and fullest cooperation of the people with their chief magistrate. It is equally their privilege and their duty to make their interests and their wishes known through their legislative representatives, by committee, by writing, or by direct personal interview with the executive. Such careful, special, intelligent, unreserved expression upon the part of the people, would enable both the legislative and executive branches of their government to act with a clearer appreciation of their necessities. I speak now for myself alone, but I am at the same time confident that I express the sentiments of every gentleman who is officially related to the State administration.

We are renewing, in part, the personnel of our State government, at a period of momentous interest in our national affairs. The one great question yet to be solved, is:—Shall government by the ballot be maintained in this country, with equal political rights for all legal voters? Pennsylvania's attitude on that question is known wherever her name is known. That she will insist on the enforcement of the authority of the national Constitution, in every State of the national Union, is as certain as that her mountain peaks point toward heaven, and her rivers roll to the sea. Under no circumstances can she ever recede from this position. Strong in herself, stronger in virtue of the constitutional relationship to her sister States, she will be magnanimous, conciliating, and patient. But justice, in the end, must, with her, be paramount. Upon

this high ground she will demand that the provisions of a Constitution made for all, shall be conformed to by all. The question goes not only to her political convictions, to her estimate of the worth of our civilization, but to the consciences of her population. Pennsylvania bows in unalterable devotion to the grand ideas of the supremacy, perpetuity, and glory of the nation.

I have detained you, fellow-citizens, beyond my intention, and will, therefore, claim your indulgence but a moment longer for a personal allusion. I should be guilty of insincerity if I affected indifference to the honor of the trust your suffrages have confided to me. I am incapable of expressing my heartfelt sense of its value, or the strength of my purpose to prove that it has not been misplaced. So much, in brief, to those to whom I directly owe my election. One word to my fellow-citizens who preferred and supported my honorable competitors. It is worthy of a free people that they bear themselves with propriety and self-control, through the contentions and excitements of a general election. It is gratifying to myself, and doubtless so to all who were actively engaged in the late canvass. that there was so little manifestation of bitterness. The great debate was conducted with calmness, as it was also with earnestness. For the kindness and courtesy extended to me by my political adversaries, I have to say that if they had voted for me from the same sense of duty which gave their ballots to my opponents, I could not be more firmly resolved than I am, to be impartial and faithful in discharging the obligations I owe to them as Chief Executive of the Commonwealth. My political views and convictions will and ought, unquestionably, to influence and shape some of my official recommendations; but in protecting the constitutional and legal rights of the citizen, no party distinction can ever for one moment be recognized.

In conclusion, fellow citizens, permit me to remind you of the individual responsibility of each citizen, for the aggregate well-being of the community. Each of us owes the highest measure of fidelity to the justice, the power, and the right embodied in the State. Under the peace and protection it secures, all our traffic is prosecuted and all our prosperity is shielded. Under it, the social principle is allowed scope to found asylums, lodges, seminaries, and churches, and to perfect the Commonwealth itself. There can be no right citizenship without an intelligent understanding of the principles which the government organizes, and of the ideas which it represents.

Each citizen should be able on his own information and not depending on any interested jobber or meddler to tell when there is a departure from rectitude, where a wrong tendency sets in, and where a peril confronts us.

It is a cardinal principle underlying the political creeds of all self governing people, which affirms each citizen to be as fully responsible for the welfare of the State, as he is for his own personal safety and happiness. Private citizen and magistrate are equally under this fundamental law of the Republic.

As you have heard me bound by an oath to obey the laws of the Commonwealth, so have I, in turn, the correlative right to hear the voice of the thousands of freemen in Pennsylvania, pledging themselves to obey the laws which they themselves have made. No strength of soldiery, no wealth of farms and factories, of railroads and coals, no perfection of governmental mechanism can save a faithless people from perishing.

HENRY M. HOYT.

To the Senate Nominating John F. Hartranft Major  
General of the National Guard.

Executive Chamber,  
Harrisburg, January 23, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John F. Hartranft, to be major general of the National Guard of Pennsylvania, for the term of five years.

HENRY M. HOYT.

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To the Senate Nominating Matthew S. Quay Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 28, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Matthew S. Quay, Esquire, of the city of Philadelphia, to be Secretary of the Commonwealth.

HENRY M. HOYT.

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To the Senate Nominating Henry W. Palmer Attorney General.

Executive Chamber,  
Harrisburg, February 25, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry W. Palmer, of the county of Luzerne, to be Attorney General of the Commonwealth of Pennsylvania.

HENRY M. HOYT.



To the Senate Nominating J. Smith Futhey President  
Judge of the Fifteenth Judicial District.

Executive Chamber,  
Harrisburg, February 27, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. Smith Futhey, of the county of Chester, to be president judge of the fifteenth judicial district of Pennsylvania, until the first Monday of January, 1880.

HENRY M. HOYT.

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To the Senate Nominating Alfred Hand an Additional Law Judge for the Eleventh Judicial District.

Executive Chamber,  
Harrisburg, March 4, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Alfred Hand, of the county of Lackawanna, to be additional law judge in and for the eleventh judicial district of Pennsylvania, vice William H. Stanton, resigned, until the first Monday of January, 1880.

HENRY M. HOYT.

Proclamation erecting the County of Lackawanna into the Forty-Fifth Judicial District of the Commonwealth.

Pennsylvania, ss:



Commonwealth.

IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the Said Com-

A PROCLAMATION.

Whereas in and by an act of the General Assembly of this Commonwealth entitled "A supplement to an act entitled 'an act to provide for the division of counties of this Commonwealth and the erection of new counties therefrom'" approved the 13th day of March one thousand eight hundred and seventy-nine it is among other things provided "that whenever under the provisions of the act to which this is a supplement a new county has been or shall hereafter be erected the territory of which contained forty thousand inhabitants or upwards according to the returns of the last preceding decennial census the said county shall be declared in a proclamation to be issued by the Governor a separate judicial district and be numbered the next number above the highest numbered district in the State. And whereas a new county has been erected by virtue of the said act out of a part of Luzerne called the county of Lackawanna as appears by the proclamation of His Excellency John F. Hartranft, Governor of said Commonwealth, issued on the twenty first day of August one thousand eight hundred and seventy eight, the territory of which said county contained upwards of forty thousand inhabitants accord-



ing to the returns of the last preceding decennial census.

Now Know Therefore, That I, Henry M. Hoyt, Governor of the said Commonwealth of Pennsylvania, do hereby issue this my proclamation declaring the said county of Lackawanna a separate judicial district to be known and numbered as the forty-fifth judicial district of the said Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this nineteenth day of March in the year of our Lord one thousand eight hundred and seventy nine and of the Commonwealth the one hundred and third.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

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To the Assembly Transmitting a Report of the Surgeon and Secretary of the Board of Agriculture of Pennsylvania concerning Pleuro-Pneumonia among Cattle.

Executive Chamber,  
Harrisburg, April 8, 1879.

Gentlemen:—

[ HAVE THE HONOR TO TRANSMIT, FOR THE information of your honorable bodies, the inclosed communications of the surgeon and Secretary of the Board of Agriculture of Pennsylvania, concerning "contagious pleuro-pneumonia, of a malignant character," prevailing among the cattle near Philadelphia.

HENRY M. HOYT.

Board of Agriculture,  
Harrisburg, April 3, 1879.

Dear Sir: I have the honor to report that I have, with the help of two of the best veterinary surgeons in the State, clearly, as I think, proven that the disease prevailing among cattle near Philadelphia is "contagious pluro-pneumonia, of a malignant character." That it is identical with the disease of the same name which has caused so much loss to the stock owners of England, and that it is infectious. One of these surgeons was a government inspector when the English officials were at work stamping out the disease, and is, probably, one of the most competent to judge. Both he and the British consul at Philadelphia unite in pronouncing the disease as above. I herewith enclose a photograph of a portion of the lung of a diseased cow, purchased for a post mortem examination. I am informed by A. A. Holcombe, State inspector of New Jersey, that the disease has broken out at the Pennsylvania end of the Trenton bridge, and that he has placed the bridge in charge of a quarantine officer. We also have information that it has broken out near Bristol, in Bucks county, and our veterinary surgeon is now there. Honorable W. R. White, of Adams county, gives me notice that it has also shown itself near Littlestown, in said county.

I regret to report that diseased stock is coming into the State from New Jersey and Baltimore, and that until the passage of the bill now in the Senate, we are powerless to defend ourselves.

It has been suggested by my advisory committee that the emergency is such as would warrant your Excellency in issuing a special message to the Legislature.

Respectfully,

THOMAS J. EDGE,  
Secretary.

Board of Agriculture;  
Harrisburg, March 27, 1879.

Your Excellency: I regret that it becomes my duty to inform you that Messrs. Edge, Butler, Ackerly, Greenawalt, and myself visited the farm of Samuel Hess, Eberly's Mills, Cumberland county, Pennsylvania, this morning, and had our suspicions as to the existence of infectious pleuro-pneumonia verified. After examination, and our having pronounced the disease to be said infectious pleuro-pneumonia, the owner consented to have one of the animals killed for the purpose of holding a post-mortem examination. The results of that post-

mortem are now in the room of State Board of Agriculture, where we would be pleased to show to your Excellency specimens of the diseased lung, and to impart such other information as we may possess.

Respectfully, yours,

CHARLES B. MICHENER,

D. V. S. to Pennsylvania State Board of Agriculture.

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To the Assembly Vetoing a "Concurrent Resolution Authorizing the Appointment of a Committee to Inquire into Facts Relative to the Management of the Agricultural College of Pennsylvania, and Making an Appropriation for the Same."

Executive Chamber,  
Harrisburg, April 30, 1879.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, "concurrent resolution authorizing the appointment of a committee to inquire into facts relative to the management of the Agricultural College of Pennsylvania, and making an appropriation for the same."

This is an attempt, by a concurrent resolution, originating in and passed by the Senate, on the 9th day of April, 1879, and concurred in by the House of Representatives upon the same day, to make an appropriation of six hundred dollars, or so much thereof as may be needed, to defray the expenses of an inquiry made by a legislative committee into the management of the Agricultural College of Pennsylvania.

While it is undoubtedly proper for the Legislature, in the exercise of its discretion, to make an inquiry of this kind, the money of the Commonwealth cannot be devoted to the payment of the costs of such an in-

quiry in the form which has here been adopted. Section sixteen of article three of the Constitution provides that "no money shall be paid out of the treasury except upon appropriations made by law." \* \* And section one of the same article directs that "no law shall be passed except by bill." \* \*

Section fifteen of the same article, after declaring that the general appropriation act shall contain nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the Commonwealth, interest on the public debt, and for public schools, directs that "all other appropriations shall be made by separate bills, each embracing but one subject."

Section four of the same article requires that "every bill shall be read at length, on three different days, in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the persons voting for and against the same to be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor."

These constitutional provisions forbid the Legislature appropriating money by a resolution which may be passed by both Houses in a single day, and by a viva voce vote, and require that every appropriation shall be made by bill, read at length in each House, on three different days, upon which the final vote shall be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

HENRY M. HOYT.

To the Senate Nominating Managers of the Pennsylvania Reform School at Morganza.

Executive Chamber,  
Harrisburg, May 1, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HEREBY NOMI-  
nate for the advice and consent of the Senate, the  
following named gentlemen to be managers of the  
Pennsylvania Reform School, located at Morganza, in  
Washington county, for the term of four years:

James P. Barr, of Allegheny.

Thomas McKennan, of Washington.

John M. Irwin, of Allegheny.

R. P. Nevin, of Allegheny.

R. S. Waring, of Allegheny.

A. F. Keating, of Allegheny.

James McCullough, of Washington

Jacob Weyand, of Beaver.

HENRY M. HOYT.

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To the Senate Nominating Jacob Weyand a Manager  
of the Pennsylvania Reform School at Morganza.

Executive Chamber,  
Harrisburg, May 2, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate, for the advice and con-  
sent of the Senate, Jacob Weyand, of the county  
of Beaver, to be manager of the Pennsylvania Reform  
School, at Morganza, Washington county, for the term  
of four years.

HENRY M. HOYT.

To the Senate Nominating John Davis an Associate  
Judge for Mifflin County.

Executive Chamber,  
Harrisburg, May 19, 1879.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John Davis, to be associate judge in and for the county of Mifflin until the first Monday of January, 1880.

HENRY M. HOYT.

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To the Senate Nominating Officers of the Governor's  
Military Staff.

Executive Chamber,  
Harrisburg, May 22, 1879.

Gentlemen:—

**I** HAVE THE HONOR TO NOMINATE FOR THE advice and consent of the Senate, James W. Latta to be adjutant general of the Commonwealth of Pennsylvania, for the term of three years, from the expiration of his present commission, June 1, 1879.

Hartley Howard, to be inspector general.

Clarence G. Jackson, to be quartermaster general.

Thomas J. Smith, to be commissary general.

Louis W. Read, to be surgeon general.

A. Wilson Norris, to be judge advocate general.

John S. Riddle, to be general inspector of rifle practice, of the Commonwealth of Pennsylvania; said appointments to date from March 12, 1879.

HENRY M. HOYT.



To the Assembly Vetoing "An Act to Grant Pensions to the Surviving Veterans of the Mexican War, and to the Widows of Deceased Soldiers and Sailors of Said War."

Executive Chamber,  
Harrisburg, June 3, 1879.

Gentlemen: —

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 67, entitled "An act to grant pensions to the surviving veterans of the Mexican war, and to the widows of deceased soldiers and sailors of said war."

This bill provides for the payment of an annuity of seventy-five dollars per annum during life.

First. To each and every citizen of the Commonwealth who served the United States as a soldier or sailor, in any land or naval force, engaged in the war with Mexico, and who either joined and served in some Pennsylvania organization, or has resided in this Commonwealth for more than twenty years prior to the passage of this act, and who was honorably discharged, without respect to the length of service, present fortune, or condition in life, or to wounds, disease, or disability received or incurred in the service. It does not appear to be based on conditions of actual want and suffering of such soldiers and sailors, or in any way to limit the benefits to be conferred to disabled or needy survivors of that war. Under its provisions a millionaire, without any disability, may receive an annuity of seventy-five dollars per annum from the State during his life.

Secondly. The bounty of the State is extended to soldiers and sailors, citizens of other States and countries, who may have resided here for the period of twenty years prior to the passage of the act, the mov-

ing cause of generosity in the case of such persons being twenty years' residence in the State, superadded to service in the Mexican war.

Thirdly. The annuity of seventy-five dollars per annum is given to the "surviving widows" of such soldiers and sailors, whether married before or during the war, or at any time before the passage of the act.

This bill is a wide departure from the custom of the State and nation, in respect to their treatment of surviving soldiers and sailors of any war. Asserting the obligation of every citizen to take up arms on call, for such compensation as may be offered, the government and people have heretofore been content to charitably provide for the necessities of those who became permanently disabled by wounds or disease while in the performance of duty, or who afterward have been reduced to want by disease or evil fortune.

The war with Mexico was waged by and in behalf of the United States. Those who took part in it did so voluntarily, and without coercion or compulsion. Citizens of Pennsylvania who patriotically volunteered were received and mustered into the service of the United States, as soldiers of the United States. The State made no call for troops, and had no other than a common interest in the strife. Surely, if the general government, for which the service was performed, is under no obligation to extend her bounty to sound and healthy survivors of that war, the State that neither originated, provoked, or directly participated in the contention, ought not to be expected to perform that work. If, from any cause, a just claim for gratuity or annuity exists on the part of the survivors of the Mexican war, it is upon the United States, and not upon the State of Pennsylvania. The charity of the State has ever been great toward those in actual want, but never before has the General Assembly opened the treasury to those who need no benefaction,

as must be the case with large numbers provided for in this act.

As the State had no naval force during the Mexican war, it is difficult to understand how a sailor could procure the benefits of the act, as one of the essential requisites is that he shall have joined a Pennsylvania organization.

From time to time, in the past, the charitable impulses of the people, finding expression through the General Assembly, have manifested themselves in granting gratuities and annuities to infirm, indigent, and disabled survivors of the Mexican war, and, doubtless, as other cases arise, other gratuities will be properly granted, and an act with these limitations would meet with prompt approval. By the terms of this bill, no exception is made of persons already enjoying such bounty from this State, and the question as to whether it does not confer a double pension on the class named is not unworthy attention. I may further say that soldiers of the Mexican war, who were actually disabled by wounds or disease incurred in the service, and who are now receiving seventy-two dollars per annum, from the General Government, are excluded from participating in the benefits of this act, while a soldier who received no wound and incurred no disability is given a larger sum.

If no other reason existed why this bill ought not to receive executive approval, the embarrassed condition of the treasury would be sufficient. With the appropriations for public schools and for institutions of pure charity, throughout the State, unpaid and in arrear to the extent of three millions of dollars and upwards, occasioning great complaint and suffering, we may well hesitate before adding another burden of unknown and continuing magnitude, without provision for lifting it, for the mere purpose of gratifying a sentiment, honorable though it may be, rather than for

the relief of real distress. Until adequate provision is made by the General Assembly for the restoration of the finances of the State to a sound condition, and for the payment of necessary appropriations already overdue, I shall feel it my duty to interpose executive disapproval of measures, not strictly necessary, which impose additional burdens on the treasury.

HENRY M. HOYT.

Proclamation of Vetoes. 1879.

Pennsylvania, ss:



monwealth.

I N THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the Said Com-

A PROCLAMATION.

Pennsylvania, ss:



I, Henry M. Hoyt, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue, and in compliance with the provisions of Article IV, Section 15, of the Constitution thereof, do hereby give notice, that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bills passed by both Houses of the General Assembly, viz:

Senate Bill, No. 49, entitled "An Act to secure to operatives and laborers engaged in and about coal mines and manufacturies of iron and steel the payment of their wages at regular intervals and in lawful money of the United States."

Senate bill No. 100, entitled "An Act to protect game and prohibit trespassing upon enclosed, occupied or improved lands in Westmoreland county in pursuit of game."

Senate Bill, No. 139, entitled "An Act to prevent the appointment of persons to assess the shares of bank stock in this Commonwealth, and to provide for the assessment thereof and payment of taxes thereon."

Senate Bill No. 156, entitled "An Act to repeal an act, entitled 'An Act supplementary to the act consolidating the city of Philadelphia, relating to the cleaning of streets of said city, approved March eighteen, one thousand eight hundred and sixty-nine.'"

Senate Bill, No. 183, entitled "An Act to repeal that part referring to Clearfield county, of the act of April eight, Anno Domini one thousand eight hundred and seventy-three, entitled 'An Act in reference to the pay of surveyors as witnesses in Clearfield and Centre counties,' and to fix the pay of surveyors as witnesses, in Clearfield county, at two dollars and fifty cents a day."

Senate Bill, No. 264, entitled "A supplement to an act, entitled 'An Act relative to the prison of Northumberland county,' approved the fourth day of April, eighteen hundred and seventy-eight, amending and extending the seventh section of said act."

House Bill, No. 109, entitled "An Act relating to the assessment and payment of road damages in the boroughs of Berks county."

House Bill, No. 156, entitled "An Act authorizing the burgess and town council of the several boroughs of this Commonwealth to construct sewers in any street, lane or alleys therein, and to assess and collect the cost and expenses thereof."

House Bill, No. 180, entitled "An Act to prohibit the running at large of cattle, horses, mules, sheep, goats and hogs in the several townships of the county of Lackawanna."

House Bill, No. 315, entitled "An Act to prevent cattle, horses, mules, sheep and hogs from running at large in the township of West Donegal in Lancaster county."

House Bill, No. 348, entitled "A supplement to an act, entitled 'An Act authorizing the election of commissioners' clerk in the county of York.'"

House Bill, No. 436, entitled "An Act to authorize the town council of the borough of Bellefonte to purchase or acquire lands, tenements, water power, rights of way or privileges to erect additional works for said borough."

House Bill, No. 250, entitled "An Act relating to finance, taxes and taxation in cities of the second class."

Given under my Hand and the Great Seal of the State, at Harrisburg, this fifth day of July, in the year of our Lord one thousand eight hundred and seventy-nine, and of the Commonwealth the one hundred and fourth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving. 1879.

Pennsylvania, ss:



IN THE NAME AND BY THE  
 Authority of the Commonwealth  
 of Pennsylvania. HENRY M.  
 HOYT, Governor of the Said Com-  
 monwealth.

## A PROCLAMATION.



In devout recognition of the God of States who has ordered peace, health and abundant prosperity to the people, I, Henry M. Hoyt, Governor of Pennsylvania do appoint Thursday the 27th day of November inst., in pursuance of the recommendation of the President of the United States, as a day upon which the good people of this Commonwealth, laying aside all secular occupations may meet together in reverent Thanksgiving for mercies received and Prayer for a continuance of Divine favor.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Seventh day of November in the year of our Lord one thousand eight hundred and seventy-nine and of the Commonwealth the one hundred and fourth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Cancellation of One million Six Hundred and Eighty Four Thousand Nine Hundred and Fifty Two Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss:



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the Said Commonwealth.

## A PROCLAMATION.



Whereas, By the third section of An Act of the General Assembly of this Commonwealth, entitled "An Act to establish a Sinking Fund for the payment of the public debt," approved the second day of April, Anno Domini one thousand eight hundred and fifty-eight, and the supplement thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited Act of the General Assembly, to report annually and certify to the Governor the amount received under the said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his Proclamation, stating the fact, and the extinguishment and final discharge of so much of the principal of said debt:

And Whereas, M. S. Quay, Wm. P. Schell and Amos C. Noyes, Commissioners of the Sinking Fund, report and certify to me that the amount of the debt of the Commonwealth of Pennsylvania redeemed and held by them from the first day of December, Anno Domini one thousand eight hundred and seventy-eight—to and including the thirtieth day of November, Anno Domini one thousand eight hundred and seventy-nine is One Million Six Hundred and Eighty-four Thousand Nine Hundred and Fifty-two Dollars, made up as follows, viz:



Five Per Cent. Bonds, .....	\$8,100 00
Six Per Cent. Bonds, .....	1,676,850 00
Relief Notes, Act of May 4, 1841, ....	2 00
<hr/>	
Total Amount Redeemed, .....	\$1,684,952 00
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Now Therefore, as required by the third section of the act of the General Assembly first above recited, I, Henry M. Hoyt, Governor as aforesaid, Do Hereby issue this my Proclamation, declaring the payment, cancellation, extinguishment and final discharge of One Million Six Hundred and Eighty-four Thousand Nine Hundred and Fifty-two Dollars of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the State, at Harrisburg, this fifth day of January, in the year of our Lord one thousand eight hundred and eighty, and of the Commonwealth the one hundred and fourth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Election of Samuel Butler as  
State Treasurer.



I N THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. HENRY M.  
HOYT, Governor of the Said Com-  
monwealth.

## A PROCLAMATION.



Whereas, An Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the receiving, opening and publishing the returns of the election for State Treasurer, and of Auditor General when elected at the same election," approved the ninth day of May, A. D. eighteen hundred and seventy-nine, provides "That whenever the legislature shall not be assembled, and a state treasurer or auditor general shall have been elected at the preceding annual election, the governor, the president judge of the twelfth judicial district, the president pro tem. of the Senate, the speaker of the house of representatives, four members of the Senate, and six members of the house of Representatives, shall meet in the Senate chamber, at Harrisburg, at twelve o'clock noon, on the third Tuesday of January succeeding each election of a state treasurer or auditor general, and they or a majority of them being so convened, shall proceed to open, compute and publish the returns of the election for state treasurer and auditor general, and shall file in the office of the secretary of the commonwealth a certificate, signed by each of them, setting forth the aggregate number of votes received by each person voted for at such election; the governor shall, within ten days thereafter, declare by proclamation the name of the person elected to each of said offices:

And Whereas, The persons composing the commission to open, compute and publish the returns of the late general election for State Treasurer, have filed in the Office of the Secretary of the Commonwealth the certificate provided for in said Act of the General Assembly, showing that Samuel Butler received the greatest number of votes of the persons voted for at said election to fill the office of State Treasurer.

Now Therefore, I, Henry M. Hoyt, Governor as aforesaid, in conformity with the provisions of the aforesaid Act of the General Assembly, Do issue this my Proclamation, hereby declaring that Samuel Butler was elected to the Office of State Treasurer at the general election held on the fourth day of November, A. D. eighteen hundred and seventy-nine, he having received the greatest number of votes of the persons voted for to fill said office at said election.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Twenty-first day of January, in the Year of our Lord one thousand eight hundred and eighty, and of the Commonwealth the one hundred and fourth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving. 1880.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the Said Commonwealth.

A PROCLAMATION.



The President of the United States by Proclamation has recommended the people to meet on Thursday the 25th day of November instant in their respective places of worship to make acknowledgments to Almighty God for His bounties and His protection and to offer Him prayers for their continuance.

To the dwellers in all the nation have been allotted "health, wealth and prosperity throughout all our borders; peace, honor and friendship with all the world; firm and faithful adherence by the great body of our population to the principles of liberty and justice which have made our greatness as a nation, and to the wise institutions and strong frame of government and society which will perpetuate it."

To the contented happy inhabitants of peaceful Pennsylvania have been accorded special grounds of Thanksgiving. All our vast and varied industries have been prospered and the toiler has everywhere found adequate rewards for labor. It has been put into the hearts of the people to apprehend how society is a great unit in which the welfare of one is the welfare of all, and how no man or class or interest can receive injury without injury to all. Patience in trial, confidence one in another courageous purposes of persistent industry, the recognition in all our productions and in all our traffic that we are children of a common Father, have exalted the four millions of our own people into a wondrous illustration of the power of a Commonwealth of freemen.

Let us all turn ourselves to a devout observance of the recommendations of the President.

Given under my Hand and the Great Seal of the State at Harrisburg this Eighth day of November in the year of our Lord one thousand eight hundred and eighty and of the Commonwealth the one hundred and fifth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Election of Henry Green as a  
Judge of the Supreme Court.

Pennsylvania, ss:



commonwealth.

IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. HENRY M.  
HOYT, Governor of the Said Com-

A PROCLAMATION.



Whereas, It is provided in and by  
an act of the General Assembly of  
this Commonwealth entitled "An Act  
to provide for the election of judges  
of the several courts of this Common-  
wealth, and to regulate certain judicial  
Districts" approved the 15th day of April, A. D. 1851,  
that the Secretary of the Commonwealth shall cause  
the returns made to him of an election for Judge in  
the Supreme Court to be opened and the votes cast  
for the persons voted for to fill said office to be accu-  
rately computed, and that the Governor shall forth-  
with issue his Proclamation, declaring the persons  
voted for for Judge of the Supreme Court who has re-  
ceived the greatest number of votes to be duly elected.

And Whereas, The Secretary of the Commonwealth  
has caused the returns of the late General Election  
for Judge of the Supreme Court to be opened, and the  
votes cast to be accurately computed, whereupon it  
appeared that Henry Green received the greatest num-  
ber of votes of the persons voted for to fill the said  
office of Judge of the Supreme Court.

Now Therefore, In conformity with the provisions  
of the aforesaid Act of the General Assembly, I, Henry  
M. Hoyt, Governor as aforesaid do issue this my Pro-  
clamation, hereby publishing and declaring, that of the  
persons voted for for Judge of the Supreme Court of

this Commonwealth at the late General Election held on the Second day of November last past, Henry Green received the greatest number of votes and is duly elected a Judge of the Supreme Court of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this Sixteenth day of November in the year of our Lord one thousand eight hundred and eighty and of the Commonwealth the one hundred and fifth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Election of Electors of President and Vice President. 1880.

Pennsylvania, ss:



monwealth.

IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the Said Commonwealth.

A PROCLAMATION.



Whereas, In and by An Act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the Second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Secretary of the Commonwealth on receiving the returns of the election of Electors of President and Vice President of the United States,

to lay them before the Governor, who shall enumerate and ascertain the number of votes given for each person voted for, and shall thereupon declare by Proclamation the names of the persons duly elected:

And Whereas, It appears from the returns, so laid before me, by the Secretary of the Commonwealth, of the election held on Tuesday the Second day of November one thousand eight hundred and eighty, that Edwin N. Benson, Henry W. Oliver, Jr., John L. Lanson, Edwin H. Fidler, M. Hall Stanton, James Dobson, George deB. Keim, David F. Houston, Morgan R. Wills, Henry S. Eckert, John M. Stehman, Isaac S. Moyer, Edgar Pinchot, John Mitchell, Conrad F. Shindel, Charles B. Forney, Nathan C. Elsbree, Andrew Stout, George M. Reade, George B. Wiestling, Michael Schall, Walter W. Ames, John P. Teagarden, Nelson P. Reed, Augustus E. W. Painter, Thomas McKennan, James T. Maffett, George W. Delamater, and Calvin W. Gilfillan secured the greatest number of votes of the persons voted for as electors of President and Vice President of the United States.

Now Therefore, I, Henry M. Hoyt, Governor as aforesaid, in obedience to the requirements of the aforesaid Act of the General Assembly, do issue this my Proclamation, hereby publishing and declaring that the said Edwin N. Benson, Henry W. Oliver, Junior, John L. Lanson, Edwin H. Fidler, M. Hall Stanton, James Dobson, George deB. Keim, David F. Houston, Morgan R. Wills, Henry S. Eckert, John M. Stehman, Isaac S. Moyer, Edgar Pinchot, John Mitchell, Conrad F. Shindel, Charles B. Forney, Nathan C. Elsbree, Andrew Stout, George M. Reade, George B. Wiestling, Michael Schall, Walter W. Ames, John P. Teagarden, Nelson P. Reed, Augustus E. W. Painter, Thomas McKennan, James T. Maffett, George W. Delamater and Calvin W. Gilfillan are the persons duly elected electors of a President and Vice President of the United

States, to serve at the election in that behalf to be held at the seat of government of this Commonwealth, (being the city of Harrisburg, in the county of Dauphin) on the first Wednesday of December next, being the first day of said month, agreeably to the said act of the General Assembly of this Commonwealth, and the Constitution and laws of the United States.

Given under my Hand and the Great Seal of the State, at Harrisburg, this sixteenth day of November, in the year of our Lord one thousand eight hundred and eighty, and of the Commonwealth the one hundred and fifth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

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Proclamation of the Election of Representatives of Pennsylvania in the United States Congress. 1880.

Pennsylvania, ss:



monwealth.

IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the Said Commonwealth.

A PROCLAMATION.



Whereas, In and by An Act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Governor, on receipt of the re-



turns of the election of members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by Proclamation the names of the persons returned as elected in the respective Districts:

And Whereas, The returns of the General Election held on Tuesday the second day of November last past for Representatives of the people of this State in the House of Representatives of the United States, for the term of two years from the fourth day of March next, have been received at the Office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act of the General Assembly, whereby it appears that in the First District composed of the First, Second, Seventh, Twenty-Sixth and Thirtieth Wards of the city of Philadelphia, Henry H. Bingham has been duly elected:

In the Second District, composed of the Eighth, Ninth, Tenth, Thirteenth, Fourteenth and Twentieth Wards of the city of Philadelphia, and that part of the Seventeenth Ward of said city lying west of Second Street, Charles O'Neill has been duly elected:

In the Third District composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth and Sixteenth Wards of the city of Philadelphia, Samuel J. Randall has been duly elected:

In the Fourth District, composed of the Fifteenth, Twenty-first, Twenty-Fourth, Twenty-Seventh, Twenty-Eighth and Twenty-Ninth Wards of the city of Philadelphia, William D. Kelley has been duly elected:

In the Fifth District, composed of the Eighteenth, Nineteenth, Twenty-Second, Twenty-Third, Twenty-Fifth and Thirty-First Wards of the city of Philadelphia, and that part of the Seventeenth Ward of said city lying east of Second Street, Alfred C. Harmer has been duly elected:

In the Sixth District, composed of the counties of

Chester and Delaware, William Ward has been duly elected:

In the Seventh District, composed of the county of Montgomery and all that portion of the county of Bucks not included in the Tenth District, William Godshalk has been duly elected:

In the Eighth District, composed of the county of Berks, Daniel Ermentrout has been duly elected:

In the Ninth District, composed of the county of Lancaster, A. Herr Smith has been duly elected:

In the Tenth District, composed of the counties of Northampton and Lehigh, and the townships of Durham, Milford, Springfield, Richland, Rockhill, Haycock, Nockamixon and Tinicum and the borough of Quakertown, in the county of Bucks, William Mutchler has been duly elected:

In the Eleventh District, composed of the counties of Columbia, Montour, Carbon, Monroe and Pike, and the townships of Lehigh, Roaring Brook and Spring Brook, and the boroughs of Dunmore and Gouldsboro,' and that part of the city of Scranton south of Roaring Brook creek and east of Lackawanna river, all in the county of Lackawanna, and the following townships and boroughs in the county of Luzerne, viz: The townships of Nescopee, Black Creek, Sugar Loaf, Butler, Hazel, Foster, Bear Creek, Buck, Salem, Hollenback, Huntingdon, Fairmount and Upper Lehigh, and the boroughs of New Columbus, White Haven, Jeddo, Hazleton and Freeland, Robert Klotz has been duly elected:

In the Twelfth District, composed of the parts of Lackawanna and Luzerne counties not included in the Eleventh District, Joseph A. Scranton has been duly elected:

In the Thirteenth District, composed of the county of Schuylkill, Charles N. Brumm has been duly elected:

In the Fourteenth District, composed of the counties

of Dauphin, Lebanon and Northumberland, Samuel F. Barr has been duly elected:

In the Fifteenth District, composed of the counties of Bradford, Susquehanna, Wayne and Wyoming, Cornelius C. Jadwin has been duly elected:

In the Sixteenth District, composed of the counties of Tioga, Potter, McKean, Cameron, Lycoming and Sullivan, Robert J. C. Walker has been duly elected:

In the Seventeenth District, composed of the counties of Cambria, Bedford, Blair and Somerset, Jacob M. Campbell has been duly elected:

In the Eighteenth District, composed of the counties of Franklin, Fulton, Juniata, Huntingdon, Snyder and Perry, Horatio G. Fisher has been duly elected.

In the Nineteenth District, composed of the counties of York, Adams and Cumberland, Frank E. Beltzhoover has been duly elected:

In the Twentieth District, composed of the counties of Union, Clinton, Clearfield, Elk, Mifflin and Centre, Andrew G. Curtin has been duly elected:

In the Twenty-first District, composed of the counties of Westmoreland, Fayette and Greene, Morgan R. Wise has been duly elected:

In the Twenty-Second District, composed of the city of Pittsburgh, and the townships of Chartiers, Union, Scott, Stowe, Robinson, Upper and Lower St. Clair, Baldwin, Wilkins, Penn, Snowden, Mifflin and Jefferson, and the boroughs of Mansfield, Chartiers, Brad-docks and West Elizabeth, in the county of Allegheny, Russell Errett has been duly elected:

In the Twenty-Third District, composed of all that portion of Allegheny county not included in the Twenty-Second District, Thomas M. Bayne has been duly elected:

In the Twenty-Fourth District, composed of the counties of Washington, Beaver and Lawrence, William S. Shallenberger has been duly elected:

In the Twenty-Fifth District, composed of the counties of Clarion, Armstrong, Indiana, Forest and Jefferson, James Mosgrove has been duly elected:

In the Twenty-Sixth District, composed of the counties of Butler, Mercer and Crawford, Samuel H. Miller has been duly elected:

In the Twenty-Seventh District, composed of the counties of Erie, Warren and Venango, Lewis F. Watson has been duly elected.

Now Therefore, I, Henry M. Hoyt, Governor as aforesaid, do issue this my Proclamation, hereby publishing and declaring that Henry M. Bingham, Charles O'Neill, Samuel J. Randall, William D. Kelley, Alfred C. Harmer, William Ward, William Godshalk, Daniel Ermentrout, A. Herr Smith, William Mutchler, Robert Klotz, Joseph A. Scranton, Charles N. Brumm, Samuel F. Barr, Cornelius C. Jadwin, Robert J. C. Walker, Jacob M. Campbell, Horatio G. Fisher, Frank E. Beltzhoover, Andrew G. Curtin, Morgan R. Wise, Russell Errett, Thomas M. Bayne, William S. Shallenberger, James Mosgrove, Samuel H. Miller and Lewis F. Watson have been returned as duly elected in the several districts before mentioned as Representatives of the people of this State in the House of Representatives of the United States, for the term of two years from the fourth day of March next.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Sixteenth day of November, in the year of our Lord one thousand eight hundred and eighty and of the Commonwealth the one hundred and fifth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

Proclamation of the Cancellation of Six Hundred and Twenty Eight Thousand, six Hundred and Seventy Nine Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss:



commonwealth.

IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the Said Com-

A PROCLAMATION.



Whereas, By the third section of an act of the General Assembly of this Commonwealth, entitled "An Act to establish a Sinking Fund for the payment of the public debt," approved the second day of April, Anno Domini one thousand eight hundred and fifty-eight, and the supplement thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly, to report annually and certify to the Governor the amount received under the said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his Proclamation, stating the fact, and the extinguishment and final discharge of so much of the principal of said debt:

And Whereas, M. S. Quay, William P. Schell and Samuel Butler, Commissioners of the Sinking Fund, report and certify to me that the amount of the debt of the Commonwealth of Pennsylvania redeemed and

held by them from the first day of December, Anno Domini one thousand eight hundred and seventy-nine to and including the thirtieth day of November, Anno Domini one thousand eight hundred and eighty is Six Hundred and Twenty Eight Thousand Six Hundred and Seventy-Nine Dollars and Twenty-One Cents, made up as follows, viz:

Five Per Cent. Bonds, .....	\$10,974 21
Six Per Cent. Bonds, .....	617,700 00
Relief Notes, Act of May 4, 1841, .....	5 00
	<hr/>
Total Amount Redeemed, .....	\$628,679 21
	<hr/>

Now Therefore, as required by the third section of the Act of the General Assembly, first above recited, I, Henry M. Hoyt, Governor as aforesaid, Do issue this my Proclamation, hereby declaring the payment, cancellation, extinguishment and final discharge of Six Hundred and Twenty-Eight Thousand Six Hundred and Seventy-Nine Dollars and Twenty-One Cents of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Fifteenth day of December, in the year of our Lord one thousand eight hundred and eighty, and of the Commonwealth the one hundred and fifth.

HENRY M. HOYT.

By the Governor:

M. S. Quay,

Secretary of the Commonwealth.

## Biennial Message to the Assembly.—1881.

YOU ARE ASSEMBLED, IN PURSUANCE OF the expressed will of the electors of a great State, to exercise the very highest function of government—the making of the laws of a free Commonwealth. The prosperity, happiness, and contentment of the people you represent are so wide-spread and marked as to call for renewed and thankful recognition of the Providence which has led us forward, not only as a State but as a nation. Our citizens may well exchange congratulations that Pennsylvania has, in many respects, realized the best human anticipations of an ideal Republic.

The history of civilized communities has rarely presented such a spectacle of growth and power as is illustrated by the four millions of men and women who compose your constituencies—normal growth and assured power in intellectual, moral, and industrial relations. Labor, skill, and capital adequately rewarded—activities in every calling and pursuit, intelligently guided—effectual control over external conditions, and a self-restraint worthy of the discipline which has imposed it, everywhere characterize our line of advancement. The unhappy antagonisms which have sometimes seemed to prevail between our different forms of industry have disappeared. A fuller understanding of each other, and a freer intercourse and discussion of our interdependencies has reconciled, for the present, at least, the conflicts between labor and capital, unfortunately so characterized. It is better apprehended that there are no classes in our population, but that we are a united homogeneous people, pursuing a common practical end. The laborer of this year is the capitalist of the next; and our “classes” are constantly interchanging their membership.

Approaching the work before you, you are to deal with a stable and fixed social mechanism. The great frame-work of our institutions, and the methods by which we are to proceed, are embodied and outlined in our Constitution. It may safely be said to be as well-balanced and adjusted a piece of governmental organism as any people has yet formulated. With it, is the great body of statute laws which your predecessors have, from time to time, framed to meet the changing exigencies and growing needs of an expanding population. Under all, is the wider sphere of the unwritten law, the universal rules of duty, and the fundamental principles of morals, which must regulate the great body of our actions, and to which our habitual conduct must conform—the motives to obey which, the written law can neither give nor take away. But discretion, intelligence, and justice are none the less required in the rules of individual and corporate conduct you shall see proper to prescribe. Good citizenship requires obedience and steady support to the laws you make. Those statutes alone will be fully obeyed, and receive the sanction of conformity, which are in accordance with the habits, traditions, and associations of the people—which are in harmony with them and their proper and approved purposes. It is the main object of the law, and sole duty of those appointed to enforce it, to provide that justice and fair play obtain, under which industry may be organized, commodities be made and exchanged, and the great religious and charitable institutions be allowed to advance under the natural law of their development. While you hold yourselves to the full requirements of honesty, zeal, and conscientious discharge of duty, you have a correlative right to enforce, even against those whom you represent. Appealing to the correctness of your own motives, you have a right to demand that you shall receive a fair, honest, and discriminating



judgment upon your work. You have a right to exemption from detraction—from malicious criticism and frivolous comment. You have a right to have your official actions looked upon from the standpoint which you yourselves occupy, and judged by the measure of the duty you have bestowed upon them. You have a right to trustful support, and freedom from flippant abuse, intended to belittle and degrade the very functions you have assumed, in behalf of the public, to discharge; and to an attitude on the part of the public which shall not vitiate and render void the very work you have consented, at the public call, to undertake.

This is the first session of the General Assembly since the vacation of two years, under the constitution of 1873. While all the other departments have gone on as usual, there has been a wide interval in legislative work. This has released public attention from many interests, and has led to an absence of that public discussion by which the best results are to be obtained. A consideration of this has led me to endeavor to present a more detailed view of public affairs, which will fall under your supervision, than might otherwise have been necessary. The first to claim your attention will be the condition of our State finances.

#### STATE FINANCES.

The annexed tables show the sources of revenue and the expenses of the State.

Summary of Receipts at the State Treasury, from the 1st day of December, 1879, to the 30th day of November, 1880, both days inclusive.

Tax on corporation stock,	\$1,352,048	98
Tax on gross receipts, . . .	656,030	94
Tax on income, . . . . .	51,403	23
Tax on premiums, . . . . .	199,847	62

Tax on coal companies, ..	811,139	16
Tax on loans, .....	300,066	14
Tax on writs, wills, deeds, &c., .....	104,371	83
Tax on personal property,	423,676	88
Tax on bank stock, .....	339,512	56
Tax on collateral inheri- tance, .....	605,441	29
Bonus on charters, .....	34,663	44
Accrued interest, .....	9,151	75
Refunded cash, .....	2,202	42
Retailers' licenses, .....	196,280	52
Eating-house licenses, ...	29,279	04
Tavern licenses, .....	685,717	66
Liquor licenses, .....	30,180	25
Peddlers' licenses, .....	1,290	60
Auction licenses, .....	6,343	16
Brokers' licenses, .....	7,708	52
Billiard licenses, .....	7,523	41
Theater and circus li- censes, .....	2,188	00
Brewers' and distillers' li- censes, .....	8,558	39
Patent medicine licenses,	1,684	20
Land, .....	2,839	00
Fees of office, .....	39,377	37
Notary Public commis- sions, .....	6,575	00
Escheats, .....	1,888	57
Annuity for right of way,	10,000	00
Allegheny Valley railroad, interest on bonds, ....	150,000	00
Commutation tonnage du- ties, .....	460,000	00
Tax on gross premiums,	33,756	88
United States Govern- ment, on account of mil- itary claims, .....	39,005	78

Turnpike and plank road stock, .....	2,126 66	
Conscience fund, .....	12 50	
Excess of commission, ...	1,040 87	
Office license fee, .....	3,941 11	
Sale of fertilizers, .....	1,170 00	
Pamphlet laws, .....	171 65	
Allegheny Valley railroad, redemption of bonds, ..	100,000 00	
Penalty, .....	255 54	
State Geological Survey reports, .....	243 21	
Unclaimed deposits, .....	1,142 90	
Fines and forfeitures, ...	40 00	
Dividend on bridge stock,	40 00	
Tax on bonds and money at interest, .....	397 44	
	<hr/>	\$6,720,334 47
		<hr/> <hr/>

Summary of the Payments at the State Treasury, from  
the 1st day of December, 1879, to the 30th day of  
November, 1880, both days inclusive.

Expenses of government, \$262,773 21	
Pensions and gratuities, ... 23,838 77	
Coal mine inspectors, ... 31,231 75	
Common schools, .....	1,402,940 21
Charitable institutions, ..	1,020,266 60
Public buildings and grounds, .....	8,149 26
Mercantile appraisers, ...	3,294 32
Schools for soldiers' or- phans, .....	350,559 98
State library, .....	4,500 00
Special commissions, ....	7,129 98
Fish commissioners, .....	15,500 00
Penitentiaries, .....	292,645 00

Escheats, .....	1,283 92
Geological Survey, .....	55,000 00
Miscellaneous, .....	48,110 04
Judges, .....	421,060 76
Associate judges, .....	31,529 98
House of Representa- tives, .....	18,157 30
Senate of Pennsylvania,	4,728 00
Normal schools, .....	182,899 22
County superintendents,	81,925 82
Bank assessors, .....	34 32
Special committees, ...	2,029 26
Riots, July, 1877, .....	1,900 17
J. W. Geary monument,	4,897 00
Turnpike and plank road stock, .....	321 20
Salaries, .....	76,646 38
Public printing and binding, .....	199,747 21
National Guards, .....	282,175 73
Delinquent dealers, ...	5,297 92
Collateral inheritance tax, .....	276 18
Fire companies, .....	700 00
Loans redeemed, .....	628,689 21
Interest on loans re- deemed, .....	5,326 08
Interest on public debt,	1,120,811 83
Interest on Agricultural College land scrip fund, .....	30,000 00
House of Refuge, .....	123,289 72
Riots of 1875, .....	75 00
Coal miners' hospital,..	26,747 21
Cornplanter Indians, ..	600 00
Costs in Commonwealth cases, .....	40 95

Pennsylvania State		
Agricultural College		
bonds, .....	40,000 00	
	<hr/>	\$6,820,119 49
		<hr/> <hr/>

These tables show some revenue which is not derived from continuing sources, and some expenditures which are exceptional.

For the year ending 30th November, 1881, the estimated revenues are to—

The general fund, .....	\$3,244,000 00	
The sinking fund, .....	2,160,000 00	
	<hr/>	\$5,404,000 00
		<hr/> <hr/>

The estimated expenses for the same period are—

From the general fund, .....	\$4,015,000 00	
From the sinking fund, .....	1,384,988 50	
	<hr/>	\$5,399,988 60
		<hr/> <hr/>

This will leave a deficit in the general fund of, .....	\$771,000 00
There is a present deficit in appropriations unpaid of, .....	1,043,000 00
	<hr/>

Deficiency to be provided for in 1881, .....	\$1,814,000 00
	<hr/> <hr/>

Provision ought to be made for this accruing deficiency. In the opinion of the financial officers of the State, it can be made by fair amendments to the revenue act of 1879. This act, with efficient management in the office of the Auditor General and the Attorney General in collecting overdue and contested taxes, has produced large additional and unexpected revenue. Our tax laws are neither uniform nor equitable; but it is certain that there are not now in possession of the Departments here any reliable and full

data upon which it would be safe to attempt the enactment of any sweeping or radical changes. The commission appointed at the last session of the Legislature were furnished with no suitable or sufficient means for prosecuting their labors, and, as yet, have made no report.

Since May 10, 1880, when the present State Treasurer, Hon. Samuel Butler, assumed the duties of his office, the deficiencies in appropriations, due previous to June 1, 1880, principally to school and charitable purposes, have been reduced from \$3,227,000 to \$1,043,000.

During the year 1882, over \$10,000,000 of the State loans will become payable by the terms of the acts creating them, as follows:

Six per cents., .....	\$9,271,850	
Five per cents., .....	1,209,350	
Four and a half per cents., .....	87,000	
		\$10,568,200

The very favorable opportunity which the present low rate of money affords for the refunding of this maturing debt, at a great saving of interest to the State, will lead you to give the necessary authority forthwith, and the more especially as the Legislature is not likely to meet during the year 1882.

#### EDUCATION.

The State is carrying on its system of public instruction in three directions: Public Schools, Normal Schools, and the Soldiers' Orphans Schools. The report of the Superintendent of Public Instruction, Dr. J. P. Wickersham, will receive your careful attention. His views and recommendations are entitled to your consideration, by virtue of his long, intelligent, and effective service; and his very extensive experience with public schools in our own State, in

other States, and in the Old World. It is most gratifying that he reports the organization of the common schools more complete than ever before, and "in all departments characterized by a vigorous life and a progressive spirit." The whole number of graded schools is 7,037—the number of schools not graded, 11,618. The total number of pupils on the rolls is 937,310, with an average attendance of 77 per cent. The expenditures of all kinds for the year ending June, 1880, not including orphan or normal schools, were \$7,482,577.75. The value of the school property of the State is \$25,467,097. The total indebtedness of all the school districts in the State, including those in cities and boroughs, is only \$2,648,495 84, while there remain in the various treasuries of the districts balances amounting to \$1,425,213.16. These are satisfactory figures, and indicate the permanent value which this agency of progress holds in the minds of the people.

#### NORMAL SCHOOLS.

The condition of the normal schools and of their property will require your notice. There have been twenty-nine hundred students in attendance during the past year. The value of their property is estimated at \$1,366,395.17.

These schools are ten in number. In their establishment, there may be set down as contributed by private subscriptions \$400,000. The State has contributed for grounds, buildings and apparatus, up to the year 1878, \$645,000. The debts of the schools may be put at \$250,000. The appropriations by the State to these schools has, for some years, been \$100,000 annually. By a mere arbitrary mode of distribution, and no other seemed feasible, this sum has been parcelled out equally—\$10,000 to each. For these sums, liens have been taken in favor of the State. They

have been compelled to use their appropriations in paying old floating debts, or in keeping down interest on the mortgages and other liens against them. Resources which should be expended in the active conduct of the schools are thus absorbed in the reduction of debts which cripple them; and this reduction is not being accomplished in the best and most economical manner for the State or the schools. Besides, the annual appropriation has a tendency to induce the belief that it is to be a permanent relief, and weakens the administration and efficiency of the system.

The correct policy for the State now to adopt will be to pay off the entire indebtedness of the normal schools; and, so far as a surrender of the rights of shareholders and contributors can be secured, place the ownership of the several properties and all liens, in the State. After such provision in their behalf, the schools ought to be self-supporting, and doubtless will become so. No further aid from the State should thereafter be expected by them.

#### SOLDIERS' ORPHANS' SCHOOLS.

The conduct of these schools calls for no abatement in the pride with which all have watched their organization and growth. The supervision over them has been intelligent and rigid. The inspections have been thorough as to the physical surroundings and material well-being of the inmates of the several schools. Children admitted under existing laws must belong to one of three classes:

1. Those whose fathers were either killed or died of disease while in the army. Only one hundred of this class remain.

2. Those whose fathers have died since the close of the war of wounds or disease contracted while in the service.

3. Those whose fathers are living, but are so dis-



abled by wounds or disease contracted while in the army, that they are unable to support their families; and in all the cases, the children must be under sixteen years of age, and in destitute circumstances. It must be said that the Superintendent of Public Instruction, while under the pressure of those who say he is too strict and is admitting too few, and the criticism of those who say he is too lax and is admitting too many, has, at all times, justly and firmly construed the statutes governing these schools—always aiming to provide for the really meritorious, and to guard the State against fraud.

There are two thousand five hundred and eighty children under the care of the State in these schools, and the cost of the system the past year was \$351,431.50. For the years 1881 and 1882, about \$700,000 will be needed.

The Superintendent, in his annual report, says: "In making the usual appropriations for the orphan schools, the Legislature of 1878 provided that no more children should be admitted into them after the first day of June, 1882, and that they should be finally closed on the first day of June, 1885. Should this law stand, the system can be made to come to an end in a way both creditable to it and to the State. The record it will leave, will form the brightest page in our history. It will have supported, educated, and prepared for usefulness twelve thousand of the sons and daughters of dead and disabled soldiers, and will have expended in this noble work the magnificent sum of \$8,000,000. The whole world may be searched in vain for another such example of patriotic benevolence."

#### HOUSES OF REFUGE AND REFORM SCHOOLS.

Fortunately, the policy and the right of the State to organize a system of public instruction have passed

beyond the region of contention. Results have vindicated its wisdom as well as its cost. Following close upon it, is another topic upon which much of the very best thought of the ablest and purest philanthropists has been expended: the duty of society to its dangerous and criminal classes. It is not material, here and now, to discuss the objects of the enforcement of criminal law, whether it be mere punishment for the sake of punishment, the protection of society, the reformation of the offender, or all of these. Nor is it my purpose to enter upon the details of prison management, whether they should be ordered under the separate system, or the congregate system; nor is it indispensable, as a preliminary, to settle the question of the proper disposition of the products of convict labor. What rights has society over its criminals, and the classes out of which they come? There can be no prompt method of putting down crime. It is incurable, except by a gradual process. Whoever employs that process expecting to realize any romantic results, or with Utopian theories, will realize nothing. But we are not without certain definite and practical results, which have been reached in our own State as well as in many others. The whole ground is by no means unexplored, nor has the whole ground been, by any means fully covered.

We have ascertained facts and reliable data, in view of which we can go forward and in the safe direction of assured progress. We have undertaken to educate the ignorant, to feed the hungry, and to cure the diseased, by State appliances, and at the public cost. How can we best curb the vicious? A distinguished publicist has said that "whosoever has the right to hang has the right to educate." Or, as no one now disputes "the right" to educate, it may justly be said that whoever has the right to hang has "the duty" to educate. The prison statistics of the whole country

show some startling and unexpected facts. Too much care cannot be taken to avoid hasty, immature, and unwarranted conclusions from statistics. There is no imposition which we may not make upon ourselves by hasty jugglery with half-facts. For instance, there have been since 1870, in the Eastern Penitentiary at Philadelphia, convicts twenty-one years of age and under, to the number of nine hundred and forty-six. Of these, six hundred and fifty-eight had attended public schools, seventeen private schools, and two hundred and seventy-one had never attended school. So much for their educational relations. When their industrial relations are looked after, we find that out of the nine hundred and forty-six, as many as eight hundred and eighty-four were unapprenticed, and seven hundred and twenty-two had no trade.

In the Western Penitentiary, at Pittsburgh, of three hundred and twelve prisoners admitted during 1879:

Could not read or write, .....	34
Read and write imperfectly, .....	96
Read and write, .....	181
Superior education, .....	1
	<hr/>
	312

Attended public schools, .....	265
Attended private schools, .....	4
Never went to school, .....	43
	<hr/>
	312

Never apprenticed to a trade, .....	241
Apprenticed and served, .....	40
Not apprenticed but served four years, .....	20
	<hr/>

These are not isolated figures—they prevail at about that average elsewhere.

In Maryland for 1880, the penitentiary report shows its five hundred and ninety-one inmates graded socially, as follows:

Can read and write, .....	283
Can read, .....	58
Cannot read and write, .....	250
	<hr/>
	591
	<hr/> <hr/>
Never bound out, .....	523
Bound out and served, .....	42
Bound out and left, .....	26
	<hr/>
	591
	<hr/> <hr/>

Now, of those who had "attended school," it would be unfair to assume that they had received any more than an imperfect and rudimentary instruction. But it tends to prove that mere elementary education, with the moral powers untouched, is no very important barrier against crime. As at the best, however, there can be no moral development in the absence of mental cultivation, "attendance at school" must lie at the base of all reform.

But the figures showing the industrial relations are significant, and lead us close to the occasion of and inducements to crime. It is the absence of a trade, the want of employment, and consequent idleness. The remedy then must be sought in that direction, and our schemes of education must be advanced to meet this condition of things. The State finds itself, under the laws of the land, the custodian of a number of young criminals. In one way or another in early life, a number of its citizens have fallen into the meshes of the law, and have become objects of State treatment, and, if you please, of State punishment. Under ordinary human experience, without the application of

some reformatory measures, these youths will only go on from bad to worse, until they fall into the well-defined criminal class, to which they will then, certainly and surely belong. They will inevitably become charges upon the State, either as paupers or malefactors. They may be thus contemplated as men and women who are likely to spend their lives in penitentiaries and jails, unless society, which must recognize their existence, can make better use of them. Any measure of education and discipline, then, which will save society the duty of imprisoning or hanging them will become expedient and proper.

What can be done for the very young, up to the age of sixteen years, who, by commitments by courts and magistrates, have fallen into the hands of the law, for various offenses, has been well exemplified by the House of Refuge, in Philadelphia, and the Pennsylvania Reform School, at Morganza. Amid some controversy over these schools, and the methods at the bottom of them, it is too late now to question their value and service, although neither has, as yet, reached an equipment necessary for the best work. The purpose of their existence, and the aim of their managers is to rescue their inmates from the evil associations out of which they have come, and to re-form them. Few of these waifs have responsible parentage or guardianship. They are quite sure to become State charges. The State, co-operating with private benefactors, proposes to return them, self-supporting, to society under the best auspices the case will admit. Within the limits of the school they are moulded, intellectually and morally, by competent, careful teachers, and instructed, trained, and drilled to some trade or industrial pursuit. The effort is to reproduce, within the enclosure, the exact condition of society they will encounter when they return to the world. This requires time, and the inmates are retained until the work is more or less

completely done. The process goes upon the correct and safe assumption that it is impossible to reform the conduct of a child or man without first measurably reforming his nature. The scheme is no longer an experiment, as it has been faithfully worked out in England, France, Germany, and many of the States of our Union. This leads up to an extension of the general method, which, in the judgment of political economists of the very highest authority, promises the most beneficent results. This will include all the first offenders, except of the most brutal type, under the age, say, of thirty years. The purpose of the process is to return them, too, to society with the preparation and discipline best fitted to enable them to earn an honest livelihood, permit them to retain their self-respect, and fit them to resume their places among their fellow-men, if they so choose, without the brand of infamous punishment or penal servitude upon them. The aim and scope is to give the convict intellectual, moral, and industrial training, systematic habits, and definite purposes, in a reformatory school, and not in a penitentiary: to afford him another chance in life: in short, to help him to help himself.

In the discretion of the court rendering the sentence, defendants, convicted of a first offense of such magnitude as to justify adequate imprisonment, and under the age of thirty years, are committal to such an intermediate prison. They go without a determinate sentence, but cannot be held for a period longer than the maximum term fixed by law for the offense. Under a proper system of grades and classes and marks, every motive to shorten the period of detention is presented. That period will lie in the discretion of the proper officers of the institution. Positions in life are found for them, and they may then be conditionally discharged on parole, reporting from time to time, thereafter their behavior and surroundings; or, in de-

fault thereof, or of good conduct for a prescribed period, liable to be returned to the institution. It has been found by experience that the prisoners thus discharged have been well received again by society, and, in one of the largest institutions of this kind in our land, it is officially reported that less than seven per cent. of the number discharged have failed to maintain their promise of good conduct. I refer to the reformatory at Elmira, New York. The Acts creating it, and the practical management there carried out, are worthy of attention and study.

Reformatory prisons, then, promise to be a most effective instrument in the diminution of crime, both by reforming the prisoner himself, and by the deterrent influence of punishment on others. Only a weak sentimentalism would propose to move out of sight the rigors and penalties which must overtake the violators of the law. It is not sentimentalism, but sound policy and conformity to the ordinary motives of human conduct, which keeps a prisoner out of the fixed classification with hardened criminals, if possible; which gives him a hope, a chance for the recovery of social influence, and the means of cultivating self-respect. In the reformatory we can "copy the incidents "of that frugal, honest, self-denying, laborious poverty "to which we have to restore most of our convicts, "and for which, therefore, it should be our earnest endeavor to qualify them. \* \* \* No more indulgences, save those earned by exertion and self-command: no progress toward liberty, except through "diligence in work, and the exhibition of good conduct, all proved by acts, not words: by a strenuous "fulfillment of all duty, not by mere lip submission. "It is thus, and thus only, that the stern school of punishment may be made really reformatory: may be "made to give back to society citizens, instead of spoliators, and honest men in place of criminals."

Such an institution, after the first investment in buildings and appointments, may become self-supporting. If it be objected that it is the organization of a trade or industrial school by the State, with all its inmates gathered from the criminal classes, it must be answered that a practical people must do practical things, and that our first business is to remedy the worse mischief. Perhaps the time ought not to be far distant when every child and young man of Pennsylvania may be enabled to become a voluntary pupil in a State industrial or technical school; but we manifestly owe an earlier duty in another direction.

It is to be hoped that Pennsylvania will keep abreast of her sister States in this vital matter of "social science" and "penal reform," terms, it must be admitted, the definitions of which are not fully settled.

If these views should meet your approval, and be deemed worthy of your adoption, the necessary statute can be readily framed. Provision, in buildings and equipment fitted for the proper organization, must be made. Nearly two-thirds of our convicts are under thirty years of age. When this is considered, large drafts may be expected to be made from the number of prisoners now sent to our penitentiaries in Philadelphia and Pittsburgh. It ought to result that inmates therein will be materially decreased. With the extension of these prisons now made and in process of being made, it may be assumed that sufficient room will have been provided for all convicts liable to be dealt with under existing penal theories and methods.

The State has just entered upon the construction of a penitentiary at Huntingdon. This work should be arrested, until a final determination is reached, where it now is. It is outside of my discretion to make a specific recommendation, but there can be no practical difficulty in the conversion of the penitentiary, there contemplated, into a reformatory prison. Other



practical locations and suggestions may be made, but it will be safe to do one thing at a time. If adequate results are to be expected for the very considerable expenditure required, the project ought to be built up from a clean, clear foundation, the appliances be made to conform to the best and latest experience, and the end, and all the means to that end, looked at from the beginning. A joint committee of the two Houses, who should be requested to report early in your session, could relieve the subject of much irrelevant discussion: or, a commission of citizens might be provided to report fully at this or some subsequent session.

It is impossible to deal with a question like this exhaustively or satisfactorily within the reasonable limits of a general message. This plan offers promise of very positive relief from the pressure of the criminal class. To such as are not impatient of necessary delay, and are willing to trust the slow but sure operation of known laws, who believe in the relation of cause and effect in the moral world as in the physical world, it points to certain and specific advantages. The firm and persistent application of known means of reformation, must assuredly help us to the end we seek—the prevention of crime.

#### CHILDREN IN POOR-HOUSES.

From the State Board of Public Charities, from the official declarations made in the State Conventions of Poor Directors, and from the testimony of interested citizens on all sides, comes a swelling protest against the longer continuance of the evil and disgrace attending the presence of children in our almshouses and poor-houses. In the past five years over three thousand children, under sixteen years old, have been temporary or permanent residents of these institutions.

A disclosure of some of the facts, gathered from the sources above indicated, would shock the community, nor would a sense of propriety permit more than a reference to them herein. These children, in a word, are enervated by idleness, corrupted in body and soul, without the possibility of acquiring or recovering their self-respect, prepared for pauperism and crime, effectually wrecked at the outset of life. This situation of affairs is earnestly commended to your action. Acts of Assembly touching the remedy of this evil have been prepared by several parties, who have studied this phase of the social problem. The subject is not without difficulty. A statute forbidding the reception or retention in any almshouse or poor-house of any child between two and sixteen years of age, will be an indispensable starting-point. Private charity would best point out the direction of the next steps. In the absence of understood facts to stimulate the enthusiasm and fervor of private charity in this behalf, and of the adequate reasons to have suggested the economy of private associations to look after this class of children, it may become your duty to devise the entire scheme. It would be gratifying if we had, throughout the State, more corporations of benevolent persons addressing themselves to this evil. Upon them, as a basis, the almshouse and poor boards could operate with money-aid, official inspection, and administrative sanction. Any and all routes to the results you seek, will lead to the well-tried expedient of placing these children in natural families, or the family or farm school. Good examples will occur to you among the various "Homes for Friendless Children," already in existence, and no better models can be found than many of the "Soldiers' Orphans Schools," now under State patronage.

Confessedly, there is a danger in this mode of relief to be avoided. A too careless or too profuse provision

might render pauperism a desirable occupation. The tendency, at the best, of such enactments, is to release parents from a responsible sense of the duty of providing for their offspring, and to encourage improvidence. In a certain sense, they cannot cure distress, but only shift it from one part of the community to another. Any plan will be confronted with a fatal objection which enables the recipients of State bounty to elude, in any serious degree, the necessities of their social existence.

In your wisdom, you will devise some relief from the perplexities of this situation. This relief should, however, be a local and not a State charge. The burden of the remedy should be borne by the local poor-boards. It is only by localizing this form of charity that efficient supervision can be secured, the guarantee of economical administration be preserved, and the risk of mendicancy becoming profitable be avoided.

#### BUREAU OF INDUSTRIAL STATISTICS.

In the organization of the office of the Secretary of Internal Affairs, it was provided by the act of 1874, that "his department shall embrace a Bureau of Industrial Statistics, the business of which shall be to impartially inquire into the relations of capital and labor, in their bearings upon the social, educational, and industrial welfare of all classes of working people, and to offer practical suggestions for the improvement of the same."

"The said bureau shall further collect, compile, and publish such statistics in regard to the wages of labor, and the social condition of the working classes as may enable the people of the State to judge how far legislation can be invoked to correct existing evils." The duties of the bureau are thus defined. The present Chief of the Bureau of Industrial Statistics, is the Hon. Miles S. Humphreys. The statistics he has com-

piled and published have taken as wide a range as the means at his control have permitted. Where his powers, under the laws, are ample to collect information "by circular or upon personal application," he has, up to this time, been limited to the former method, for the reason that no appropriation has been made to pay the expenses of adopting the other. A very small percentage of the circulars are answered. The Chief of the Bureau ought to be furnished the means of going into the great labor districts, and himself witness the labor, and see the laborers out of which his statistics come.

He is also required "to compile and publish, annually, the productive statistics of agriculture, mining, manufacturing, commercial, and other business interests of the State." If this work was once well and thoroughly done, the subsequent extensions and yearly additions would be neither difficult nor expensive. It has never been thoroughly done in this State. When we contemplate such immense manufacturing and distributing centres as Philadelphia and Pittsburgh—such workshops as Harrisburg, Reading, Bethlehem, Scranton and Johnstown—the never-resting industries along the Delaware, Lehigh, Schuylkill, Susquehanna, and Monongahela rivers—oil development, mining ores, anthracite and bituminous coals, lime, slate—burning of coke, and farming operations everywhere, they seem to defy classification. In all this apparent chaos there is order. Every man and engine falls into pre-arranged place. Everywhere there is complexity, but nowhere is there confusion. By a sufficiently wide induction of facts, the body politic will be found to be as legitimate a growth under law as the natural body—law, as unerring in social life as in the external world. The Bureau of Statistics should reach every form in which the inhabitants of the State combine, industrial, social, educational, religious, charitable,

and criminal. While this information, properly digested, could remedy no evils of itself, it would lead the public and the Legislature to many wholesome readjustments, in the distribution of population and money.

Districts and industries in which population or labor is becoming overcrowded would be detected, and danger signals could be put up before the evil became irremediable. The possibilities of over-production, and the creation of more commodities than we can find purchasers for, which alone seem likely to disturb the happy equilibrium now prevailing, would show themselves in the course of the rigid investigation and inquiry herein contemplated. The tendency to, or existence of, such a mischief as the "truck" or store order system would come under notice, and well-considered legislation, based on adequate facts, could be invoked for its suppression. The proper relation between the wage-laborer and the owner of the wage-fund, in the divisions of the product of their joint enterprise, would more clearly appear, and an equitable plan of Arbitration find adoption, instead of the unprofitable and destructive remedy by a strike. The times, places, and business in which Co-operative institutions might be organized with beneficial results in the distribution of wealth, might, haply, be indicated. It is not contended that social disorders can be cured by "tabulated figures," and these are suggested only as illustrations of the practical value which accurate and faithful statistics may be made to have in our economic problems. I recommend, therefore, that an appropriation be made to this bureau sufficient, under proper accountability, to insure correct and complete results.

#### FREIGHT DISCRIMINATION.

The relation of "common carriers," more especially of the great trunk railroads, to the commerce of the

country has assumed a very important economic aspect. So far as the control of inter-state traffic is concerned, it must be remanded to the National Legislature. Our own statutes must terminate in their operation at our State lines. Within these lines, there are certain policies to be executed, so obviously just and right as to preclude question or debate. Our Constitution has both defined them, and, by its mandate, provided the details of their enforcement.

Section three, article XVII, of the Constitution provides that "all individuals, associations, and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State, or coming from, or going to, any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station, but excursions and commutation tickets may be issued at special rates."

Section seven, of the same article, provides that "no discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise, and no railroad or canal company, or any lessee, manager, or employe thereof, shall make any preferences in furnishing cars or motive power."

Section twelve, Art. XVII, prescribes that "the General Assembly shall enforce by appropriate legislation the provisions of this article."

Your attention is called to the fact that this requirement of the Constitution has not, up to this time, been complied with.

During the year 1878, upon the petition of a large number of citizens engaged in the production of oil, charging that they were subject to most serious injustice and grievance, by reason of discrimination in freights, the result of illegal confederated action between certain railroads and oil shippers, suits in equity were instituted in the name of the Commonwealth by the Attorney General, in the Supreme Court of the State, against the Pennsylvania Railroad Company, the Atlantic and Great Western Railroad Company, Dunkirk, Allegheny and Pittsburgh Railroad Company, and the Lake Shore and Michigan Southern Railway Company.

Separate bills were filed against each corporation, charging unlawful conspiracy with all the others, and the appropriate relief prayed for. The object of the Commonwealth was to procure a judicial declaration of the common law duty of carriers, in the absence of a statute, to wit: that charges must be the same for all persons similarly situated, and for all freights of a like kind and quality for a given service. The conduct of the causes was necessarily intrusted to private counsel employed by the petitioners, although under the general direction of the Attorney General. In due time the causes came before a master appointed to take testimony. The burden of the testimony was directed against the Pennsylvania Railroad Company, and the taking of testimony by the Commonwealth was completed and declared closed as to this corporation, defendant.

This corporation alone, it was then proposed, should be called upon to proceed with the taking of its testimony in answer. As the defendants in the various bills in equity were in court by virtue of their joint acts as alleged conspirators, the Attorney General, under the direction of the Governor, and in accordance with the justice and propriety of the case, and of well-set-

tled practice, declined to order this one defendant to proceed to open its defense until the Commonwealth had closed the testimony in the cases of all the defendants. As to the Commonwealth, plaintiff, the legal status of the defendants was precisely the same as if they had all be joined in one bill.

To have facilitated a decree by the Court enjoining the performance of a duty by a corporation deriving its franchises from Pennsylvania, and contributing large taxes to the revenue of Pennsylvania, and substantially locking it up, and leaving free great rival railroad lines (connected with the oil regions by short lines in this State) incorporated by other States, and owing and paying no duty to Pennsylvania, would neither have met the reasonable views of the petitioners, nor have satisfied any sense of justice. There was a delay on the part of the petitioners in placing the Attorney General in possession of the testimony to be produced, which indicated an intention to offer none whatever in the remaining cases.

In the meantime indictments had been found at the instance, and in the interests of the same petitioners in Clarion county, against a number of defendants for a conspiracy in the matter of procuring freight discrimination, in connection with other alleged offenses. Some of the defendants were residents in the State, within the jurisdiction of the court, and caused appearances to be entered for themselves; others were non-residents. For these, demand was made upon the Executive for requisitions. The application was heard, formally, after notice to all parties, in the Executive Chamber.

Before a decision was reached, and while the equity suits were resting upon the determination that the Commonwealth should close its testimony against all the defendants, before any one defendant should be ruled to open its case and go on with its evidence, ne-



gotiations were entered upon between the petitioners above referred to and the railroad companies, defendants, to settle, by agreement, their controversy.

The details of these negotiations, of course, need not, and did not, reach the office of the Executive department. As part of them, however, requests were presented in the interest of the petitioners to the Governor, not to issue the requisitions, followed again by requests that they be allowed to go out. Finding that the highest process of the Commonwealth was being used simply as leverage for and against the parties to these negotiations between contending litigants, and that, however entire and perfect had been the good faith in which the criminal proceedings in Clarion county might have been commenced, they were being regarded and treated as a mere make-weight in the stages of private diplomacy, I deemed it my duty, in the exercise of a sound discretion, to suspend action on the requisition. It resulted that an amicable conclusion between the litigants was reached—all suits were discontinued at the request of the original petitioners, and the litigation terminated without cost to the Commonwealth.

It is believed that all the railroads over which courts of Pennsylvania have jurisdiction, are now prosecuting their business with oil producers according to the spirit of the Constitution.

That all shippers in the State may be in condition to have the protection of statute law, it is urged that you enact the necessary legislation so that the provisions of the Constitution may be placed in reach of execution by the courts over all transportation companies, at all times, in all places, and in all interests.

#### MUNICIPAL GOVERNMENT.

No action has yet been taken upon the report of the municipal commission of 1876-7. It contains a mass

of well-digested facts, drawn from many directions. Whether legislative action should adopt substantially the bill accompanying the report, or modify existing charters, may safely be left to your judgment.

The central idea arrived at by this commission, and like commissions in other States, has been the necessity of providing for the concentration of responsibility in the heads of departments, and the power lodged either in the mayor, which is preferable, or in the Governor, of prompt suspension and removal. This is, particularly, the over-ruling necessity of the larger cities, which, from the multiplicity and magnitude of the objects of control, are most apt to run into enormous expenditures and gross abuses before they can be checked. In the smaller cities and towns the matter is generally, if not always, sufficiently under the control of the parties most interested—the taxpayers.

The absence of great schemes of improvement and the easy understanding of municipal affairs of small cities, preclude and restrain the temptations to extravagance and abuse, at the same time that the simplicity of their organization, under existing laws, places it in the power of citizens to remove and correct maladministration before a serious peril can threaten.

The municipality and township is the unity of our political structure. These local organizations conserve the largest mass of the interests, and direct the greater part of the daily life of our people. National and State laws touch only the circumference of the political and social being of the citizen; municipal ordinances and regulations affect his interest and comforts, daily and hourly, and are in contact with him at all points. The municipal and township organizations of our State, with the exceptional status of the very large cities, have grown up out of and according to the necessities and characteristics of their inhabitants. This is the true home rule which is to preserve

the free institutions of the country. It is wise to interfere with this local self-government as little as possible.

The first object is to lodge the local responsibility, and define it, so that the people of the locality can hold it strictly accountable.

The second object is to fix the relation of the local organization to the larger mass of the State. When the powers, duties, and responsibilities of the people's agents are sharply defined, and the pecuniary obligations of the municipality rigidly enforced, the legislative duties and powers of the superior government may well cease. The success or failure of local (municipal) government is then the just measure of the activity, intelligence, and patriotism of the people.

In general, the bill proposed by the commission conforms to these principles. The most essential points of concentrating executive duties, divorcing them from the legislative powers, and fixing the responsibility of properly or improperly executing the municipal will, and making prompt correction of the errors of incapacity or the crimes of dishonesty, the bill fully recognizes. The machinery by which these results are reached, is commended to your adoption. It is to be hoped that the labors of the commission will not be lost, and that the civic legislation of the Commonwealth may be wisely improved, saving the full autonomy of the municipal corporations, at the same time that it guards the rights of the corporators.

#### SECOND GEOLOGICAL SURVEY.

The Second Geological Survey of the State is progressing as fast as the appropriations will permit. This is a work which, if not well done, should not be done at all. It must possess the utmost scientific accuracy. Its treatment of soils and minerals, their location and distribution, must be the result of pains-

taking work, done on the ground. Its surveys and alignments must show the actual facts, and be made from actual measurements. This is precisely the way in which this great and important work is being done. It is in the hands of a board who understand fully the value of the duty in hand, under the superintendence, as State Geologist, of J. Peter Lesley, Esq., whose attainments and qualifications are unquestioned. So far forty-four reports of this work have been published, and sixteen reports are in preparation. These reports have justly attracted the highest attention everywhere. Forty-two counties have been surveyed in full, eighteen in part, and seven not at all. These seven are Columbia, Luzerne, Lackawanna, Pike, Schuylkill, Berks and Carbon. They embrace the anthracite coal region of the State, and have been reserved that the work upon them may be made continuous and exhaustive. In a scientific and commercial point of view, the surveys to be done in them will possess the highest value. It will be expedient to make the appropriations to continue this work in accordance with the views of the board controlling the Second Geological Survey.

#### STATE BOARD OF AGRICULTURE.

It is important to note the continued and revived interest in the agricultural pursuits of the State. Discussion is now so widespread among the people in their local and county agricultural societies—so much sound information as to soils, fertilizers, stock, and methods is now being disseminated, that our farmers will be likely to reach a very high point of production, and in due time come to a proper adjustment as to home products, and the means of a more successful competition with other States. The attendance at the meetings of the State Board of Agriculture shows intelligent appreciation of this great and fundamental industry in the State. The papers there read are wor-

thy of permanent record, and some means should be devised for more faithful, more appropriate and wider distribution of the published volumes, containing them than they now have.

The prevalence of the disease among cattle known as contagious pleuro-pneumonia, led to the enactment, on the 1st day of May, 1879, of a stringent statute for its extermination. Under that statute very great discretionary powers were given to the Governor and those appointed by him to enforce it. Thomas J. Edge, Esq., Secretary of the State Board of Agriculture, was appointed as the agent of the Governor. He gave instant and zealous attention to the suppression of the disease. He has been substantially successful; indeed, except as infected cattle have, from time to time, been brought from other States into ours, it has been eradicated. The methods adopted have met the approval of those most interested in his success, and they have been pursued with the utmost economy. The entire expense to the State, from March, 1879, to December, 1880, has been but \$7,347.28, nearly half of which has been paid for infected cattle killed by proper orders. For the same purposes and without the same satisfactory results, the State of New York has expended \$50,000, and the State of New Jersey \$40,000.

#### THE NATIONAL GUARD.

It is with especial pleasure that you are referred to the report of General James W. Latta, Adjutant General of Pennsylvania. The reorganization of the National Guard conceived and partly carried out by General Hartranft, when Governor, has been perfected, and is now complete. The Guard contains eight thousand officers and enlisted men. The morale of the body is most excellent. The officers are efficient, prompt, intelligent, and earnest in their duties. The rank and file are composed of citizens, the very best types and

representatives of the real people of the State. Officers and men are co-operating most harmoniously and successfully in the effort to make the Guard worthy of the State, and entitled to the confidence of all men. Under the liberal appropriations heretofore made, it may be said that, in their uniforms and accoutrements, their equipment is complete. These supplies have all been furnished from the arsenals and depots of the United States; are all the very best of their kind, and have been furnished to this State at their actual cost to the United States.

The entire Guard was assembled in camp this year; one camp near Philadelphia, the other near Pittsburgh. This was done without cost to the State for subsistence, or any other purposes, except only the usual one for transportation and pay, for the annual inspection required by law. At these camps, in addition to the various duties, exercises, and drills incident to military life, the entire Guard was subjected to a rigid inspection. This was conducted under officers of the army of the United States, detailed by the Adjutant General of the army. The results have fully justified the expenditure of time and money made by the officers and men in organizing the camps. In view of this experience, and of the policy of assembling the National Guard in camp for instruction, gathered as they are from remote localities, and without other opportunity for drill and military duty in large masses, authority should be given by law to order such encampments; and sufficient pay should be allowed officers and men for their detention in camp for not less than one week annually.

#### PENAL AND ELEEMOSYNARY INSTITUTIONS.

The report of the Board of Public Charities will contain the details which will show the condition of our penal and charitable institutions. It gives me plea-

sure to bear testimony to the fidelity which, in the main, characterizes their management. The condemnation, by the Board, of many jails, no longer fitted for the purpose of their construction, should claim your attention.

With the completion during the past year of the hospitals for the insane at Norristown and Warren, the State has made ample and comfortable provisions for three thousand two hundred insane persons—ample, it is hoped, for years to come. It ought to be said of the commissions to carry into effect the legislation for the hospitals at Norristown and Warren, that they have completed their work honestly, cleanly, and economically, and that in these buildings and their appurtenances, the State has received the full value of the money expended.

The State has been supplementing the work of private charity by aid to the "Pennsylvania Working Home for Blind Men," and the "Pennsylvania Institution for Instruction of Blind," at Philadelphia; "Training School for Feeble-Minded Children," at Media; "Pennsylvania Institution for Instruction of Deaf and Dumb" at Philadelphia, and the "Western Pennsylvania Institution for Instruction of Deaf and Dumb" at Pittsburgh, and some others.

The administration of these charities by boards elected by private contributors, and subjected to official State supervision, has afforded a most humane relief for those of our fellow-beings who have been whirled out of all the joyous conditions of life.

For the present, and in the financial straits of the State Treasury, while continuance of appropriations to all these institutions may be judicious, they must be made upon the closest and most rigid view of their necessities.

## THE STATE FISHERY COMMISSIONERS.

The interest taken in the propagation and protection of edible fishes shows no signs of flagging in any of the States, and their work is admirably supplemented by the careful and elaborate reports of the United States Commission. Pennsylvania keeps pace with other States in this branch of government economy, and the report of our State board will be found to be full, intelligent, and interesting.

The increase in the valuable food fishes of Pennsylvania already surpasses, in absolute money value returned to the people, the expenditures so far made.

The report of this year will catalogue the fish which already have been increased and multiplied in the waters of the State, and those also which are in the process of further propagation.

Large distributions have been made in the public and in many even private waters of Pennsylvania, and success has attended these distributions in numerous cases. Improvement in fishways is progressing, and when piratical fishing shall have been put an end to, absolute success in their construction and adaptation may fairly be predicted.

The Commissioners found themselves compelled to put the law in force against predatory fishing in the neighborhood of their fishway lately constructed in the Columbia dam, and it is hoped that the result of the severe measures adopted will tend to correct the evil, and prevent its recurrence in future.

Low water and unlawful practices about the fishway during the run of shad in the last season made it impracticable to judge of the efficacy of the plan adopted; but improvements in construction, suggested by a first trial and a stoppage of illegal fishing, lead the Commissioners to hope that the desideratum of a successful fishway for shad will at length be filled. The



report of the Board will, no doubt, be read with attention by the increasing number of our citizens interested in this recent economical movement.

#### THE NORTHERN AND WESTERN BOUNDARY LINES.

The northern and western boundaries of the State have been under the investigation of two joint commissions, ordered by the States interested, in 1876 and 1878. They were "to examine as to the true location of the monuments which mark the boundary line between this State" and New York, on the north, and Ohio and West Virginia on the west. The lines have been thoroughly explored and found not to be precisely upon the geographical lines recorded by charter or by law as the boundaries—the 42° of north latitude, and a short meridian extending from a point near Wattsburg, in Erie county, north to lake Erie, in the case of New York and Pennsylvania, and a meridian, commencing at the western end of Mason and Dixon's line, north to Lake Erie, in the case of West Virginia, Ohio, and Pennsylvania. A majority of both commissions, on the side of Pennsylvania, hold that the "true locations" are the meridian and the parallel, respectively. The Ohio commission hold that the restoration of the old line, although departing from the meridian, is the "true location." The New York commission has not, as yet, submitted its views. It may become a difficult question and require your consideration.

The aberrations in the case of the parallel are more extensive than in those of the meridian, as it is more difficult to lay down a line of latitude than it is a meridian.

The maximum variations from a true parallel are found to exceed one thousand feet, whilst those from the meridian do not much exceed one hundred feet. It will be for the Legislatures of the several States to decide whether to accept and continue the erratic lines

as the boundaries, as they have stood for a century, or to lay down the geographical lines of record, aided by the exact appliances of the present day, and perpetuate them, if possible, without interfering with vested interests. All the commissions are now awaiting the action of this State. What is especially needed is the appropriation necessary to place, or replace, the monuments on the boundary lines, the recent surveys being simply marked by temporary stakes, likely to be removed and thus compel the work soon to be done over again.

#### MISSISSIPPI VALLEY STATES COMMISSION.

Several conventions have been held at Louisville and St. Louis of delegates appointed by the Governors of the several States bordering on the Ohio, Mississippi, and Missouri rivers, and their navigable tributaries. The commission has reached a permanent organization. Its main purpose is the deepening, widening, improving the navigation of the rivers named. They have now become thoroughfares for much of the commerce of this State. Pennsylvania has been represented by three delegates at these conventions, and some expenses have been incurred by them, and, if our representation is to continue, more will be incurred in the future. The Chamber of Commerce, at Pittsburgh, has forwarded a resolution of that body, requesting "the Governor to favor, in his forthcoming message, the appropriation necessary to meet Pennsylvania's share in the work of the commission, as well as that of the Ohio river commission," and have suggested an appropriation of "\$1,000 per annum for five years for the above named purpose." The subject is committed to your discretion.

#### STATE BOARD OF SURVEYORS.

During the year, a convention of engineers and surveyors assembled at Harrisbrug. There is undoubtedly serious mischief done as the result of ignorant and

incompetent work in these professions, and much injustice and expense entailed upon litigants and others by reason thereof. As a result of the deliberations of the convention, composed of trained and skillful men in their calling, a bill has been prepared, entitled "An act to establish a State board of surveyors, and to provide for the better regulation of surveys in the Commonwealth of Pennsylvania." This bill is correct in principle, and its details well-fitted to the necessities of the case, both in private transactions and public relations to the courts.

#### BOGUS DIPLOMAS.

By joint resolution, approved February 13, 1879, the General Assembly requested the Attorney General to institute proceedings in the courts against the American University of Philadelphia, on account of the abuse of its franchises "in the unlawful sale of diplomas to persons who had not pursued the prescribed course of study, and who were unfitted, by reason of ignorance, to practice medicine." In accordance with this request, writs of quo warranto were sued out by him against the American University of Philadelphia and the Eclectic Medical College of Pennsylvania, another institution claiming a like charter, and managed by the same persons controlling the American University. In both cases favorable judgments have been rendered, and the said charters declared forfeited by the courts, and as an incidental result, the manager and official head of these institutions has been convicted and imprisoned for violating the laws relative to the sale of diplomas and other crimes.

Proceedings, not yet terminated, have also been commenced against the Philadelphia University of Medicine and surgery, which is mentioned in the preamble to the resolution, and is believed to be of like character with those forfeited, and a like favorable result is expected.

This action on the part of the State authorities has not been too speedy. Evidence of the sale of diplomas in large numbers, not only in this country but in England and on the Continent of Europe, has been secured, and complaints transmitted through our representatives abroad to the State Department at Washington, of the presence in the hands of grossly ignorant persons of regularly issued diplomas from institutions chartered by the State of Pennsylvania, authorizing the holders to practice medicine, are corroborative of ascertained facts. It was high time that so serious a disgrace to the good name of the State should be abated.

No appropriation was made to enable the Attorney General to prosecute this work, and he was practically powerless until the necessary means were advanced by a public spirited citizen of Philadelphia, to whom, I trust, recompense will be speedily made through appropriate legislation. I further recommend the adoption of a system of registration of medical diplomas, with appropriate penalties for non-registration or for practicing under a diploma irregularly obtained.

#### THE BI-CENTENNIAL OF PENN'S ARRIVAL IN PENNSYLVANIA.

As the Legislature will not meet again under our new Constitution until 1883, I deem this a proper occasion to call your attention to the proposed celebration of the settlement of our Commonwealth, by that illustrious statesman, William Penn, whose name and memory held in high esteem by all who have studied the history of our common country.

The mayor of Philadelphia has recently called the attention of the councils of that city, by a special message, to the fact that "two hundred years will, in the autumn of 1882, be completed since William Penn came first to the place where Philadelphia now stands, and, by personal presence and habitation, took possession of his domain."

In view of the fact that the celebration of a great historical event would have, in some degree, a historical aspect, the mayor thinks "it desirable that a consultation should be had with the Historical Society of Pennsylvania, a body to whose usefulness in preserving in honor the history of our city, province, and State alike," he pays a high tribute.

The councils of Philadelphia have acted on the recommendation of their mayor, and committees have been appointed to give effect to his suggestions, and to report what preliminary action it may be proper to take in the premises.

The Commonwealth of Pennsylvania ought not let such an event as the first arrival and residence of William Penn within her borders pass without a recognition worthy of its interest. We all should take part in it, and exert ourselves to make the celebration worthy of the wisdom and virtues of the founder of our State, and a fit expression of the gratitude of us all to that beneficent Providence, by whose guidance and protection he was brought to our shores.

I recommend the subject to your consideration and action.

#### CENTENNIAL CELEBRATION AT YORKTOWN.

It is contemplated to make adequate and worthy celebration of the centennial of the surrender of Lord Cornwallis at Yorktown on the 19th day of October, 1781. As the final act of the war of the Revolution, it has an historical bearing of especial significance. This celebration has received the approbation of the national Congress, and the sum of \$20,000 has been appropriated towards the expense of it. In October, 1879, the Governors of the States, which were the original thirteen colonies, either personally or by duly authenticated representatives met in Philadelphia, to concert some measure by which the people of these

States might unite in the recognition of this interesting event. The meeting was attended by many pleasing incidents, recalling the memories which bind us to the work of our patriot fathers, and the motives to a common and fraternal effort to render the coming occasion worthy of their united and happy children. But it was impossible to give the resolves of that meeting any official indorsement. I trust that the Legislature of Pennsylvania will take such action as is necessary to impress upon the proposed centennial observances at Yorktown, the stamp of the sanction of the State of Pennsylvania, and give them the promise of enthusiastic participation in them by the people of Pennsylvania.

#### THE SECOND SERIES OF PENNSYLVANIA ARCHIVES.

The five additional volumes of the current series of Archives, as directed to be printed by the Legislature, have been published. Volumes eight, nine, and twelve have been delivered by the State Printer, while volumes ten and eleven will be ready in the course of six weeks. The latter volumes comprise the muster-rolls and history of the Pennsylvania Line and battalions in the revolution, and are undoubtedly the most valuable State publications issued. Volume twelve comprises the first portion of the muster-rolls and documents relating to the war of 1812-14. An additional volume will be required to complete their publication.

There are in existence the following State papers for the publication of which no legislative provision has been made: Volume two of muster-rolls of Pennsylvania volunteers in the war of 1812-14, with contemporary documents; papers relating to the Wyoming (Connecticut) controversy; papers relating to the early government of the Province of Pennsylvania; correspondence and documents concerning the controversy between the Penns and Lord Baltimore on the

Maryland boundary; the Virginia boundary controversy; minutes of the Board of Property during the Provincial era; muster-rolls of the Pennsylvania Associators, the minute-men of the Revolution, and of the Rangers on the frontiers during the same period. These documents might be published uniformly with the other volumes of the series, yet as the early volumes are exhausted by donation to libraries and sale to subscribers, additional copies ordered to be printed should be published with actual title of contents. This subject is suggested for your consideration.

#### IN MEMORIAM.

Upon the morning of the 9th day of last August, William Bigler died at his residence in Clearfield.

The manifold public services of this distinguished citizen gave him high rank among the servants of the State, and made his death a loss to the entire Commonwealth.

He was born in 1813, at Shermansburg, in Cumberland county, but in very early life removed to Mercer county, and soon afterwards made his home in Clearfield. Here he engaged and prospered in the lumber business, and quietly gained the respect and confidence of his fellow citizens.

He was thrice elected a member of the State Senate, and was once chosen its president. He was appointed one of the board of revenue commissioners to apportion among the different counties of the State the taxes to be paid upon real and personal property.

In 1851 he was elected Governor of the Commonwealth, and in 1855 was chosen to represent Pennsylvania in the Senate of the United States.

In 1873 he became a member of the convention which framed our present Constitution, and took an important part in its deliberations. His latest public services were given to the United States Centennial Com-

mission, and greatly contributed to the success of our centennial exhibition. Varying as were the demands made upon his character and ability by these differing public trusts, he proved equal to them all, and amply justified the wide confidence the people had so repeatedly reposed in him.

His life of civic usefulness was fittingly closed by a death of christian peace.

Warren J. Woodward, one of the justices of the Supreme Court of this State, died on the 25th day of September, 1879, at the age of sixty years. Judge Woodward was born in Wayne county, Penn'a. His ancestry were of the New England emigration which settled the northern part of the State under the old Connecticut disputes of a hundred years ago. He was admitted to the practice of the law in Luzerne county. His active professional life was spent in Wilkes-Barre, where he married a daughter of the Hon. David Scott. In 1856 he was elected president judge of the district composed of the counties of Columbia, Wyoming, and Sullivan. In 1861 and again in 1871 he was elected president judge of the courts of Berks county.

Judge Woodward was a man of singular purity, modesty, and simplicity of character. He was a trained student, not only in the law, but in general literature. He was exact in all the details of his private life, and conscientious, faithful, zealous, and thorough in the discharge of all public duty. His intellectual processes led him to make his conclusions from general principles, and he was essentially philosophical in his methods of thought. His mental activity was of the highest order, which never flagged or abated even though he was under the stress of delicate physical health. At all times he commanded, in respect of his integrity, his force of character, his generous humanity, his juridical learning, and his tenacity for the right, the confidence and love of the people among



whom he lived. His career upon the supreme bench, so grievously cut short, would have illustrated these high qualities and have enriched the legacy we have inherited from the illustrious names which have adorned this highest court of the State. We may all well unite in deploring the irreparable loss which the whole Commonwealth has sustained in the decease of so eminent a citizen and magistrate.

#### CONCLUSION.

I have ventured to refer to some public questions which may well receive your attention. Others will suggest themselves to you.

The legislation which must receive your attention will be:

Provision for the revenues of the Commonwealth:

The passage of the appropriation bills necessary to carry on the various departments, the support of penal and charitable institutions, and the like:

A bill to refund the public debt to mature in 1882:

Bills to re-apportion the State into legislative, judicial, and congressional districts.

I deem it important, also, to invite your attention to the provisions of the Constitution relating to special legislation. The sweeping character of the seventh section of the third article leaves little room for the enactment of any other than general laws. Such laws are, in some instances, needed to carry into effect the provisions of the Constitution, many of which are inoperative in the absence of appropriate legislation. To the end that time may not be consumed in the consideration of acts within the constitutional prohibition, I remind you that the Executive is bound, with yourselves, to a strict enforcement of the restraints on special legislation.

It will be my highest duty and pleasure to co-operate with you whenever requested or required. It will also

be my highest hope that your labors may receive the approval of your own judgment, and the just sanction of your constituents.

HENRY M. HOYT.

Harrisburg, January 4, 1881.

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To the Senate Nominating Trustees for the Hospital  
for the Insane at Danville.

Executive Chamber,  
Harrisburg, January 4, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby, to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the hospital for the insane at Danville, Pennsylvania, for the term of three years, viz:

W. A. M. Grier, Hazleton, Luzerne county, Pa.

B. N. Detwiler, Williamsport, Lycoming county, Pa.

HENRY M. HOYT.

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To the Senate Nominating Thomas Beaver a Member  
of the Board of Public Charities.

Executive Chamber,  
Harrisburg, January 18, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas Beaver, of the county of Montour, to be a member of the Board of Public Charities, for the term of five years.

HENRY M. HOYT.

To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, January 25, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, Pennsylvania, for the term of three years, viz:

Hiram Corson, Norristown, Pennsylvania.

Daniel Eppley, Harrisburg, Pennsylvania.

John Pomeroy, Chambersburg, Pennsylvania.

HENRY M. HOYT.

To the Assembly Transmitting a Resolution of the Legislature of South Carolina Concerning the Unveiling of the Cowpens Memorial, with Accompanying Documents.

Executive Chamber,  
Harrisburg, January 25, 1881.

Gentlemen:—

**I**HAVE THE HONOR TO TRANSMIT HEREWITH for the consideration of the General Assembly, a copy of the concurrent resolution of the Legislature of South Carolina, in reference to the unveiling of the Cowpens memorial, with certain documents accompanying the same, and asking that these ceremonies may receive the official recognition of the Commonwealth of Pennsylvania.

HENRY M. HOYT.

Concurrent resolution authorizing the Governor to extend an invitation, on behalf of the State, to certain distinguished guests to be present at the unveiling of the Cowpens memorial.

Whereas, Arrangements are now being made, and with every prospect of success, looking to the united action of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, the old thirteen States, and the then Territory of Tennessee, for the erection of a memorial column in honor of the victors of the battle of Cowpens, fought on the soil of South Carolina, by men of the north and the south, in the great cause of American Independence;

And whereas, The Congress of the United States has, by their unanimous resolution, specially indorsed this proposed commemoration, by the munificent appropriation of twenty thousand (\$20,000) dollars for a bronze statue of General Daniel Morgan, who commanded the American army on that memorable day; therefore, be it

Resolved, By the House of Representatives, the Senate concurring, that the State of South Carolina cordially unite in this celebration of one of the great battle days of the Union.

Resolved, That His Excellency the Governor of South Carolina, extend an invitation to His Excellency the President of the United States, and his cabinet, and to the Governors of the old thirteen States and of Tennessee, to be present at the unveiling of the Cowpen's memorial.

Charlestown, South Carolina,  
January 22, 1881.

To His Excellency the Governor of Pennsylvania:

Your Excellency: Presuming that the absence of your General Assembly, during the period of the past year, in which you received the communication from the committee in charge of Cowpens celebration, prevented your taking action in the matter, as so earnestly desired; now that the General Assembly of your great State is in session, I beg very respectfully to renew the subject, hoping to elicit your friendly co-operation in our patriotic work. The aim and purpose of the projectors in the erection of this memorial column was to bring together the "Old Thirteen" once more, and on the soil of South Carolina, in a work which would appeal to the people's patriotism in all these States, and re-kindle the old sentiment of the concord and union of the States.

To this end, we have asked that each of these States make a very small money contribution, simply for the purpose of identification, (say \$250.) That the New England, the Middle, and the Southern States each furnish an inscription for the panel assigned to them, and each group of States select an orator for this occasion, now fixed for 11th May next. Through the courtesy and good offices of the General Society of the Cincinnati, of which the Honorable Hamilton Fish is president, our committee are in receipt of the very appropriate inscription, a copy of which is inclosed, and there remains to be done by your State: First, Only the passage of a resolution by your General Assembly expressing sympathy and approval of the proposed centennial commemoration, and appropriating the small sum named, \$250. The selection of an orator for the Middle States, in conjunction with the Governors of New York, New Jersey, and Delaware. The Honorable Alexander Hamilton, of New York, has been in correspondence with your Excellency as regards the inscription, and will, no doubt, be glad to confer with your Excellency as regards the orators. If your Excellency will kindly communicate with your General Assembly to the easy accomplishment of these public ends, the committee of arrangements will be greatly encouraged in their work, and the people of South Carolina will feel gratified at the response made by your State, to the resolution of the General Assembly, a copy of which I have the honor to inclose. Trusting that your Excellency will aid in this great work, the object of which is the restoration and perpetuation of kindly feeling among the States of the Union,

I have the honor to be,

Your very obedient servant,

WILLIAM A. COURTENAY,

Chairman Committee.

To the Senate Nominating Rev. Charles L. Ehrenfeld State Librarian.

Executive Chamber,  
Harrisburg, February 1, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Reverend Charles L. Ehrenfeld, of the county of Washington, to be State Librarian for the term of three years from the first Monday in February, 1881.

HENRY M. HOYT.

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To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, February 1, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, Pennsylvania, for the term of three years, viz:

John L. Atlee, of the county of Lancaster.

Trail Green, of the county of Northampton.

W. W. Jennings, of the county of Dauphin.

Charles L. Bailey, of the county of Dauphin.

HENRY M. HOYT.

To the Senate Nominating Trustees of the Hospital  
for the Insane for the Southeastern District.

Executive Chamber,  
Harrisburg, February 1, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, the following named persons  
to be trustees of the Hospital for the Insane for the  
South-eastern District of Pennsylvania, for the term  
of three years, viz:

John F. Hartranft, of the city of Philadelphia.

B. K. Jamison, of the city of Philadelphia.

Samuel M. Bines, of the city of Philadelphia.

James Boyd, of the county of Montgomery.

Thomas H. Brown, of the county of Delaware.

HENRY M. HOYT.

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To the Senate Nominating A. N. Perrin a Member  
of the State Board of Agriculture.

Executive Chamber,  
Harrisburg, February 1, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, A. N. Perrin, of the county of  
Crawford, to be a member of the State Board of Agri-  
culture, for the term of three years.

HENRY M. HOYT.

To the Senate Nominating Louis W. Hall a Commissioner to Conduct a Geological Survey.

Executive Chamber,  
Harrisburg, February 9, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Louis W. Hall, of the county of Dauphin, to be a member of the Board of Commissioners to conduct Geological Survey of the State, vice Henry W. Oliver, junior, resigned.

HENRY M. HOYT.

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To the Senate Nominating Trustees for the Hospital for the Insane at Danville.

Executive Chamber,  
Harrisburg, February 17, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Timothy O. Van Allen, A. F. Russell, and Thomas Chalfant, of the county of Montour, and W. H. Bradley, of the county of Luzerne, to be trustees of the Hospital for the Insane at Danville, Pennsylvania, for the term of three years.

HENRY M. HOYT.



To the Assembly Concerning the Appointment of Commissioners to Investigate the Present Condition of the Proposed Penitentiary Building at Huntingdon, Et Cetera.

Executive Chamber,  
Harrisburg, March 11, 1881.

Gentlemen:—

I HAVE THE HONOR TO INFORM YOU, THAT IN pursuance of joint resolution of the Senate and House of Representatives, entitled "Joint resolution authorizing and empowering the Governor to appoint commissioners to enquire into and investigate the present condition of the proposed penitentiary building at Huntingdon, et cetera," I have this day appointed as the commissioners mentioned in said resolution the following named gentlemen, viz: Hon. John Stewart, Hon. Horatio Gates Jones, Hon. Thomas V. Cooper, Hon. S. P. Wolverton, Hon. Eckley B. Coxe, of the Senate of Pennsylvania; and Hon. A. B. Campbell, Hon. William H. Vodges, Hon. George S. Clark, Hon. John E. Faunce, Hon. Charles Tubbs, Hon. J. J. Edwards, Hon. William Flinn, and Hon. Orange Noble, of the House of Representatives.

HENRY M. HOYT.

To the Assembly Transmitting Certain Documents from the Governor of New York Concerning the Boundary Line between that State and Pennsylvania.

Executive Chamber,  
Harrisburg, March 15, 1881.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT A COMMUNICATION of His Excellency, the Governor of New York, and accompanying report of the commissioners and act of the Legislature of that State,

relating to the boundary line between the States of New York and Pennsylvania.

Believing that no advantage to any individual or to the public can be gained by running a new line to conform to the verbal description, but on the contrary that it would cause great injury, or at least inconvenience, to vested rights to adopt such a course, I unhesitatingly indorse the New York view, and respectfully recommend that the commissioners be appointed under the act of May 8, 1876, entitled "An act in regard to the boundary monuments on the line between the States of Pennsylvania and New York," etc., be authorized to meet the Board of Regents of the University of the State of New York to ascertain and re-establish the monuments on the original line, and erect such additional monuments at such places on said line as they may deem necessary, and that you further provide for the moiety of the cost, which will properly be borne by the Commonwealth of Pennsylvania.

HENRY M. HOYT.

Executive Chamber,

Albany, New York, March 2, 1881.

To his Excellency Henry M. Hoyt,

Governor of Pennsylvania:

Sir: The accompanying documents relating to the boundary line between the States of New York and Pennsylvania, are respectfully presented to your attention. This line has been examined by a joint commission acting under the authority of the two States respectively. The result of this examination discovers the fact (1) that the monuments erected by the original commissions in 1786 and 1787, to mark the line, have become so far decayed or obliterated as to require immediate steps for their restoration; (2,) that the line originally run and marked by the commissioners, and ratified by the two States, although fixed with all the precision possible at that day, varies considerably from the verbal description, sometimes on one side and sometimes on the other; (3) but that this line so marked has, since the settlement of the country, been the practical boundary between the lands belonging in and the limits of the jurisdiction of the two States.

It is proper to say that the honorable commissioners appointed on the part of Pennsylvania, through their chairman, Colonel Worrall, have advocated a re-survey of the entire line, and the establishment of a boundary which should rigidly conform to the verbal description. But the commissioners of New York have held that no practical advantage, but great inconvenience, would arise from any attempt to change the line from the original and accepted location.

Taking this view of the subject, and following the well-settled principles laid down by the Supreme Court of the United States, (4 Howard,) the Legislature of this State passed an act May 20, 1880, (see page 6 of report,) declaring the lines originally laid down as the boundary line irrespective of their conformity to the verbal descriptions thereof, and authorize the Board of Regents of the University to appoint commissioners to meet commissioners of the State of Pennsylvania, vested with similar powers, and restore the monuments of the line originally surveyed and marked.

The attention of your Excellency is respectfully called to this action, with the request that you will take whatever steps may be necessary to bring about an early and satisfactory settlement of the line, and the much needed restoration of the monuments.

Very respectfully,

Your obedient servant,

ALONZO B. CORNELL.

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To the Senate Nominating E. E. Higbee Superintendent of Public Instruction.

Executive Chamber,  
Harrisburg, March 16, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, E. E. Higbee, D. D., of the county of Franklin, to be Superintendent of Public Instruction for the term of four years, to date from April 1, proximo.

HENRY M. HOYT.

To the Assembly Transmitting a Document from the  
Treasury Department Concerning the Purchase of  
a New Site for the United States Marine Hospital.

Executive Chamber,  
Harrisburg, March 22, 1881.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT TO YOUR honorable bodies a communication of the Treasury Department of the United States, relating to the purchase of a new site for the United States Marine Hospital, in Pittsburgh, Pennsylvania, and respectfully recommend the passage of a joint resolution consenting to such purchase, in accordance with the provisions of section three hundred and fifty-five of the revised statutes of the United States, referred to in said communication.

HENRY M. HOYT.

Treasury Department, January 28, 1881.

To the Honorable Henry M. Hoyt,

Governor of Pennsylvania, Harrisburg, Pennsylvania:

Sir: I have the honor to advise you that by authority contained in act of Congress, approved June 22, 1874, (statutes at large, volume 18, page 199, the Secretary of the Treasury was authorized to sell the United States Marine Hospital buildings and grounds in the city of Pittsburgh, Pennsylvania, and to purchase a new site and erect thereon a suitable building for use as a marine hospital. In accordance with the provisions of this act the said property was sold, and in the year 1875 a new site was purchased. Under section three hundred and fifty-five of the revised statutes of the United States, no expenditure can be made for building upon land purchased by the United States until the consent to such purchase has been given by the Legislature of the State in which the said land may be located. I have, therefor, the honor to request your good offices in securing the passage, by the Legislature of the State of Pennsylvania, of an act ceding jurisdiction over the property above referred to.

Very respectfully,

H. F. FRENCH,  
Acting Secretary.

To the Assembly Concerning the War Claims against  
the United States.

Executive Chamber,  
Harrisburg, March 24, 1881.

Gentlemen:—

**D**URING THE WAR OF THE REBELLION, SOLDIERS of the United States were located at various places, within this Commonwealth, and, to some extent, their supplies, stores, and forage were drawn from the country in the vicinity of their camps, and along the lines of their marches. The claims, for property thus taken from the citizens of Pennsylvania, and consumed by United States troops, were, sometime thereafter, adjudicated by commissioners, appointed by virtue of several acts of Assembly authorizing the same. The work of these various commissioners was, no doubt, thoroughly, and properly done.

All of these claims have been filed in the quartermaster's department of the United States, at Washington, D. C., and are there recognized as legitimate claims for payment by the General Government, and that department is authorized to investigate, and recommend the payment of this class of war claims by an act of Congress of 1864.

Our citizens have long been deprived of just compensation for their losses; the Federal authorities have recognized the justness of their claims, and they will, no doubt, be promptly indemnified by the General Government, upon proper recommendation. I, therefore, deem it proper to suggest that your honorable bodies invite the efforts of the Senators and Representatives of Pennsylvania in Congress to secure, in this matter, the passage of whatever legislation may yet be necessary to facilitate and provide for the payment of these claims by the United States.

HENRY M. HOYT.

To the Assembly Transmitting an Additional Communication from the Secretary of the Treasury Concerning the Purchase of a New Site for the United States Marine Hospital.

Executive Chamber,  
Harrisburg, April 18, 1881.

Gentlemen:—

**R**EFERRING TO THE SPECIAL MESSAGE OF March 22, 1881, calling attention to, and inclosing a communication of, the Honorable Secretary of the Treasury of the United States, in relation to the purchase of a new site for the United States Marine Hospital, at Pittsburgh, Pennsylvania, and the resolution of the Senate of Pennsylvania, of March 31, 1881, that the said communication does not contain a sufficiently definite description of the said proposed site, I have the honor to transmit an additional communication from the honorable Secretary, under date of April 14, 1881, reciting the boundaries of the said property purchased by the Government of the United States, and to respectfully renew the recommendation for the passage of a joint resolution ceding the required jurisdiction.

HENRY M. HOYT.

Treasury Department, April 14, 1881.

To the Honorable Henry M. Hoyt,

Governor of Pennsylvania, Harrisburg, Pennsylvania.

Sir: I have the honor to acknowledge the receipt of your communication of the 11th instant, relating to an act ceding jurisdiction over the property purchased by the United States as a site for the proposed marine hospital building, in the city of Pittsburgh, and reciting a resolution of the Senate asking for definite description of the property referred to.

In reply, I have to advise you that the premises referred to were conveyed to the United States by deed bearing date July 13, 1875, from James S. Negley and Grace Negley, and are bounded as follows, viz:

On the north by Ellsworth avenue, on the east by Filbert

street, on the south by Elmer street, and on the west by Oak street, in the city of Pittsburgh, county of Allegheny, and State of Pennsylvania.

Very respectfully,  
 WILLIAM WINDOM,  
 Secretary.

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To the Assembly Transmitting a Letter from the Governor of Ohio Concerning the Re-establishment of the Boundary Line Between that State and Pennsylvania.

Executive Chamber,  
 Harrisburg, April 18, 1881.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT TO YOUR honorable bodies, a communication from his Excellency the Governor of Ohio, in relation to the re-establishment of the boundary line between the States of Ohio and Pennsylvania, and to express my concurrence with his Excellency as to the importance of completing said survey and erecting permanent monuments thereon, and respectfully recommend the necessary authority and means be provided therefor, by proper legislation, at an early day.

HENRY M. HOYET.

State of Ohio, Executive Department,  
 Columbus, April 2, 1881.

His Excellency Henry M. Hoyt,

Governor of Pennsylvania:

Dear Sir: At the urgent request of the commissioners appointed by my immediate predecessor, in pursuance of an act of the General Assembly, passed May 3, 1878, to act with a like commission on the part of the State of Pennsylvania, in the re-establishment of the boundary line between said States, and to erect permanent monuments thereon. I have the honor

to request that you take such action as you deem necessary to provide the authority and means on the part of the State of Pennsylvania to complete the work. Residents of this State, adjacent to the line, are very anxious that the work be completed, and our commissioners assure me that the advantages arising from the preliminary survey, already made, will be lost if the remainder of the work be not begun and finished at an early day.

I am advised that many of the monuments erected by the original surveyors have been removed, and that those in place are so far obliterated as to demand prompt attention if the original line is to be preserved, and property owners protected against misunderstanding and litigation.

Very respectfully,

Your obedient servant,

(Signed)

CHARLES FOSTER,  
Governor of Ohio

To the Assembly Vetoing "An Act to Enlarge the Jurisdiction of the Several Courts of Common Pleas of this Commonwealth in Certain Cases."

Executive Chamber,  
Harrisburg, April 21, 1881.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 213, entitled "An act to enlarge the jurisdiction of the several courts of common pleas of this Commonwealth in certain cases."

The objects and purposes of this act are correct, and a remedy, such as it is intended to afford, is needed to supply a defect in the law. I regret that this bill is not presented in such form as to enable me to give it my approval.

This bill confers upon the several courts of common pleas of this Commonwealth, jurisdiction and power



to issue writs of mandamus to all State officers "in the manner and according to the rules observed and practiced by the Supreme Court prior to the adoption of the present Constitution."

Under its provisions the executive and heads of departments may be summoned into distant courts, and compelled to convey the records of the government necessary for their defense away from the capitol, where they rightfully belong, at times when their absence might be injurious to public interests.

For many years, indeed since the year 1811, the wise policy of the State has been to confer upon the courts of the county in which the seat of government is located jurisdiction in all suits concerning the revenues and other matters of public concern. Experience has proved the wisdom and expediency of the laws conferring such jurisdiction, and no sufficient reason can now be assigned for a change in this regard.

The act is further objectionable, because it extends and confers upon the courts of common pleas a jurisdiction to be exercised in an undefined and uncertain manner, viz: "In the manner and according to the rules observed and practiced by the Supreme Court of the Commonwealth prior to the adoption of the present Constitution." It is beyond the power of the General Assembly to extend or confer the provisions of a law by reference to its title, or in any other method than by re-enacting and republishing so much thereof as may be extended or conferred at length. Article three, section six Constitution.

This act undertakes to confer generally upon the courts of common pleas the power granted in an act heretofore passed, giving power to the Supreme Court in cases of mandamus, as well as its power as a court of common law, and also limits such courts in their practice to such rules as may have been observed in the Supreme Court seven years ago.

The mischief meant to be remedied by the constitutional provision quoted is aggravated by legislation of this character. One purpose of this provision was to prevent the extension of laws in ignorance of their contents, scope, and effect by mere reference to their titles.

By this act a body of rules is imposed upon courts without indicating in the enactment their nature, contents, scope, or applicability, and it is, therefore, believed to be within the principle of the case lately decided by the court of common pleas of Philadelphia, wherein the delinquent tax act was decided unconstitutional.

This act, by its terms, includes all State officers, and if the jurisdiction conferred may be exercised as the Supreme Court has heretofore practiced it, then it is not impossible that the court of common pleas of one county might assume to issue a mandamus to a judge of another county, he being a State officer, to compel the performance of a ministerial duty. Surely no such power was intended or ought to be conferred on courts of common pleas.

The right to appeal from the decision of the inferior court in cases of this character ought not to be left in doubt. By the act of June 14, 1836, conferring a limited jurisdiction on the common pleas to issue writs of mandamus, this right is expressly reserved. Whether the right to appeal provided for in the cases therein specified would extend to those specified in this act may be open to argument and doubt.

This act is further defective in that it provides no authority for serving the writ of mandamus beyond the limit of the county in which it is issued. If the desire of the law-making power is to confer this jurisdiction upon all the courts of the State, it ought to be made effective by giving them power to exercise it.

No court, except the Supreme Court, has ever had

the right to issue this high prerogative writ to a State officer. The jurisdiction heretofore conferred on the common pleas is limited, and can only be exercised as to inferior officers within county limits. By reason of an oversight in the constitutional convention, this original jurisdiction was taken away from the Supreme Court. Nothing is needed to remedy the defect but a method by which proper cases may reach that tribunal for ultimate decision on appeal.

No objection is known to exist to the enactment of a law conferring jurisdiction to issue the writ of mandamus to State officers (except judges) upon the courts of the county in which the seat of government is located, and it is believed that no constitutional objections exist to such a law. The special powers and jurisdiction conferred upon the courts of Dauphin county in State matters by acts passed before and since the adoption of the new Constitution have been sustained both by the learned judges of the court and by the Supreme Court of the State, and large judgments have been recovered by the State under such acts; therefore, no doubt is entertained as to the constitutionality of such a measure.

For the reasons stated I am constrained to withhold my approval of this act and herewith return it to the Senate in which it originated.

HENRY M. HOYT.

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To the Senate Nominating Elisha A. Hancock Colonel and Quartermaster of the National Guard.

Executive Chamber,  
Harrisburg, May 6, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Elisha A. Hancock, of the city of Philadelphia, to be colonel and quartermaster of

the National Guard of Pennsylvania, to rank from July 12, 1880.

HENRY M. HOYT.

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To the Senate Nominating Charles M. Conyngham  
Colonel and Inspector General of the National  
Guard.

Executive Chamber,  
Harrisburg, May 6, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles M. Conyngham, of the county of Luzerne, to be colonel and inspector general of the National Guard of Pennsylvania, to rank from January 10, 1880.

HENRY M. HOYT.

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To the Senate Nominating James D. Walker Colonel  
and Chief of Artillery of the National Guard.

Executive Chamber,  
Harrisburg, May 6, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James D. Walker, of the county of Allegheny, to be colonel and chief of artillery of the National Guard of Pennsylvania, to rank from July 16, 1879.

HENRY M. HOYT.

To the Senate Nominating Frank Reeder Brigadier  
General of the National Guard.

Executive Chamber,  
Harrisburg, May 6, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Frank Reeder, of the county of Northampton, to be brigadier general of the National Guard of Pennsylvania for the term of five years, to rank from July 15, 1874.

HENRY M. HOYT.

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To the Senate Nominating Howard J. Reeder an  
Additional Law Judge for the Third Judicial District.

Executive Chamber,  
Harrisburg, May 10, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Howard J. Reeder, of the county of Northampton, to be additional law judge in and for the third judicial district of Pennsylvania, until the first Monday of January, 1882.

HENRY M. HOYT.

To the Senate Nominating Albert A. Outerbridge  
Reporter of the Decisions of the Supreme Court.

Executive Chamber,  
Harrisburg, May 25, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Albert A. Outerbridge, of the city of Philadelphia, to be reporter of the decisions of the Supreme Court of this State for the term of five years, to compute from May 5, 1881.

HENRY M. HOYT.

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To the Senate Nominating James W. Over Associate  
Judge of the Separate Orphans' Court of Allegheny  
County.

Executive Chamber,  
Harrisburg, May 25, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James W. Over, of the county of Allegheny, to be associate judge of the separate orphans' court of the county of Allegheny, until the first Monday of January, 1882.

HENRY M. HOYT.

To the Senate Nominating John P. Edge a Member  
of the State Board of Agriculture.

Executive Chamber,  
Harrisburg, May 25, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John P. Edge, of the county of Chester, to be a member of the State Board of Agriculture for the term of three years, to compute from January 28, 1880.

HENRY M. HOYT.

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To the Senate Nominating Joshua W. Jones Superintendent of Public Printing and Binding.

Executive Chamber,  
Harrisburg, May 26, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Joshua W. Jones, of the county of Dauphin, to be superintendent of public printing and binding for the term of four years, from the 1st day of July next.

HENRY M. HOYT.

To the Senate Nominating Charles A. Miner a Commissioner of the Geological Survey.

Executive Chamber,  
Harrisburg, May 26, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles A. Miner, of the county of Luzerne, to be a commissioner of the Board of Commissioners of the Geological Survey of the State, vice John B. Pearce, removed from the Commonwealth.

HENRY M. MOYT.

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To the Senate Nominating Managers of the Pennsylvania Reform School at Morganza.

Executive Chamber,  
Harrisburg, May 26, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following persons to be managers of the Pennsylvania Reform school, situate at Morganza Station, Washington county, Pennsylvania, until the first Monday of May, 1885, viz: Thomas J. Bigham, John J. Gillespie, Josiah Cohen, John N. Neeb, James Allison, Thomas Wightman, Joseph Woodwell, and Malcolm Hay.

HENRY M. HOYT.



To the Senate Nominating Christian Trautman a  
Manager of the Pennsylvania Reform School at  
Morganza.

Executive Chamber,  
Harrisburg, May 26, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Christian Trautman, to be a manager of the Pennsylvania Reform School, situate at Morganza Station, Washington county, Pennsylvania, until the first Monday of May, 1883.

HENRY M. HOYT.

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To the Assembly Transmitting a Statement Exhibiting the Titles and Powers of Corporations Created by and Holding their Franchises Under Special Legislative Charters.

Executive Chamber,  
Harrisburg, May 26, 1881.

Gentlemen:—

**I** HAVE THE HONOR TO INFORM YOUR HONORABLE bodies that the statement showing the titles and exhibiting a general summary of the powers granted to corporations, the creation of which has been authorized by special legislative charters, has been prepared in accordance with the provisions of the joint resolution of April 22, 1879, and is now completed, classified, and transcribed into sixty-seven volumes of manuscript and extracts, indexed and substantially bound.

In placing the same formally at the disposal of the Legislature, according to the requirements of said resolution, I also transmit the report of the compiler,

which will fully inform your honorable bodies of the nature and scope of the work.

These volumes are now in the possession of the Executive. Transferring them to the Legislature, I would respectfully suggest, that, as the principal object of the compilation, as stated in the preamble of the resolution is, "to facilitate the State in the collection of taxes," the Governor be authorized to place the volumes aforesaid in the office of the Auditor General of the Commonwealth, as the most appropriate and convenient repository of the same.

HENRY M. HOYT.

Philadelphia, Pa., May 9, 1881.

Honorable Henry H. Hoyt,

Governor of Pennsylvania:

Sir: On April 25, 1879, I was authorized and commissioned by you to prepare the statement called for by the following joint resolution of the Legislature, approved April 22, 1879, viz:

JOINT RESOLUTION.

Authorizing the Governor to procure a statement exhibiting the titles and powers of corporations created by and holding their franchises under special legislative charters.

Whereas, It is desirable to facilitate the State in the collection of taxes, and for other purposes, that a record should be made of all corporations claiming special privileges under special legislative charters; therefore

Section 1. Be it resolved, &c., That there be prepared, under the direction of the Governor, for presentation to the next Legislature, a statement showing the titles and exhibiting a general summary of the powers granted to corporations, the creation of which has been authorized by special legislative charters; the expense of preparing the same to be paid by the State Treasurer, on the warrant of the Governor, and not to exceed the amount named by joint resolution, approved April 12, 1867, providing for the revision of the tax laws of Pennsylvania.

Approved—The 22d day of April, A. D. 1879.

HENRY M. HOYT.

I beg leave to report, that I have completed the work, and present it herewith for your approval:

It is embodied in sixty-seven volumes. The corporations are classified according to the nature of the business, which, by their respective charters, they are authorized to transact.

In cases in which any merger, consolidation, or absorption has been expressly authorized by any legislative act, all the powers of the combined companies has been grouped together under the last title which the corporation was authorized to assume.

The volumes thus contain a record of all the privileges granted to corporations by special enactments from the earliest date to the adoption of the new Constitution.

In order that the accuracy of the text might not be questioned, the compilation has been made almost entirely by using the original printed text from the Pamphlet Laws.

I was met at the outset by a question of some difficulty. It was whether the purpose of the resolution would be best accomplished by merely a brief summary of the powers which had been granted to corporations, or whether to carry out its express object and enable the revenue officers and others to fix and accurately determine the liability and franchises of each company, it was not advisable to give the full text of such franchises. Either one would have been a record. The brief summary was at first attempted, and fourteen years were thus epitomized. It then became apparent that the work in that form would fall short of requirements. The powers granted, particularly between the years 1850 and 1873, to separate corporations were so varied, so numerous, and liable to so many different constructions that the compiler would be forced to arrogate to himself the province of the Attorney General or the Auditor General in determining the force of such constructions. In many cases the omission of a single word in some brief summary might increase or decrease the liability of a corporation to the extent of thousands of dollars annually, while on the other hand some companies might claim a far broader scope of power than would be accorded by an unsatisfactory summary. The work would not have possessed any authoritative or decisive character, but would have merely reflected the views of the compiler. For these and kindred reasons the fourteen years of brief summary which had been completed were canceled, and the entire work commenced anew by giving the full text of each charter. The labor was greatly increased and the completion temporarily delayed; but two important things were assured, viz: Accuracy and a knowledge that where disagreements might arise between the State and corporate officials, the authoritative and absolute text

would be found within this record, at least so far as a careful, laborious, and pains-taking search could contribute to that end.

All of which is respectfully submitted,

ALEXANDER K. PEDRICK,  
Compiler, by authority of the Governor.

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To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Executive Chamber,  
Harrisburg, Pa., June 9, 1881.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the State Hospital for the Insane at Warren, Pennsylvania: L. D. Wetmore, of the county of Warren; George W. Wright, of the county of Mercer; W. H. Osterhout, of the county of Elk, for the term of three years. R. S. Hunt, of the county of Jefferson; John Fertig, of the county of Crawford; E. B. Grandin, of the county of Warren, for the term of two years. And G. N. Parmlee, of the county of Warren; George W. Siarr, of the county of Erie, and J. D. Hancock, of the county of Venango, for the term of one year.

HENRY M. HOYT.

To the Senate Nominating State Fishery Commissioners.

Executive Chamber,  
Harrisburg, Pa., June 9, 1881.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Howard J. Reeder, of the county of Northampton; Benjamin L. Hewit, of the county of Blair; James Duffy, of the county of Lancaster; Robert Dalzell, of the county of Allegheny; John Hummel, of the county of Snyder; and Garrick Mallery Miller, of the county of Luzerne, to be State fishery commissioners for the term of three years.

HENRY M. HOYT.

To the Assembly Vetoing "A Supplement to an Act Entitled "An Act Authorizing the Election of Commissioners' Clerk in the County of York."

Executive Chamber,  
Harrisburg, June 10, 1879.

**I** HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 348, entitled "A supplement to an act entitled 'An act authorizing the election of commissioners' clerk in the county of York."

I am of the opinion that this act is not only unnecessary, but in conflict with the seventh section of the third article of the Constitution, which prohibits special legislation regulating the affairs of counties. Article eight, section two of the Constitution fixes the time for holding the general and township

elections, and all officers theretofore elected at other dates, whether under general or special acts, must of necessity be voted for at the times specified in the section referred to. I see no more need of this act to fix the time for electing this special officer in the county of York than for an act to fix the time for the election of the regular officers, and therefore withhold my approval.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act to Prohibit the Running at Large of Cattle, Horses, Mules, Sheep, Goats and Hogs in Several Townships of the County of Lackawanna."

Executive Chamber,

Harrisburg, June 10, 1879.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 180, entitled "An act to prohibit the running at large of cattle, horses, mules, sheep, goats, and hogs in several townships of the county of Lackawanna."

This act violates the seventh section of the third article of the Constitution, which forbids special legislation by the General Assembly, regulating the affairs of townships. A general law forbidding the running at large of domestic animals would meet with my approval. For the reason stated, I withhold my assent to this bill.

HENRY M. HOYT.

To the Assembly Vetoing "An Act to Repeal that Part Referring to Clearfield County of the Act of April Eighth, Anno Domini One Thousand Eight Hundred and Seventy-three, Entitled 'An Act in Reference to the Pay of Surveyors as Witnesses in Clearfield and Centre Counties, and to Fix the Pay of Surveyors as Witnesses in Clearfield County at Two Dollars and Fifty Cents a Day.'"

Executive Chamber,  
Harrisburg, June 10, 1879.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 183, entitled "An act to repeal that part referring to Clearfield county of the act of April eighth, Anno Domini one thousand eight hundred and seventy-three, entitled 'An act in reference to the pay of surveyors as witnesses in Clearfield and Centre counties, and to fix the pay of surveyors as witnesses in Clearfield county at two dollars and fifty cents a day.'"

I am of the opinion that this act conflicts with the seventh section of the third article of the Constitution, which prohibits special legislation regulating the affairs of counties. No sufficient reason is known why the fees of surveyors, when serving as witnesses, should not be uniform throughout the State.

HENRY M. HOYT.

To the Assembly Vetoing "An Act to Prevent Cattle, Horses, Mules, Sheep and Hogs from Running at Large in the Township of West Donegal in Lancaster County."

Executive Chamber,  
Harrisburg, June 10, 1879.

HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 315, entitled "An act to prevent cattle, horses, mules, sheep, and hogs from running at large in the township of West Donegal, in Lancaster county."

Such legislation is prohibited by the seventh section of the third article of the Constitution, which provides that the General Assembly shall not pass any special or local law, regulating the affairs of counties, cities, townships, wards, boroughs, or school districts. This act being clearly within the prohibition, I am constrained to withhold my approval.

HENRY M. HOYT.

To the Assembly Vetoing "An Act to Authorize the Town Council of the Borough of Bellefonte to Purchase or Acquire Lands, Tenements, Water Power, Rights of Way, or Privileges to Erect Additional Water Works for Said Borough."

Executive Chamber,  
Harrisburg, Pa., June 12, 1879.

HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 436, entitled "An act to authorize the town council of the borough of Bellefonte to purchase or acquire lands, tenements, water



power, rights of way or privileges to erect additional water works for said borough.”

Besides being a special act regulating the affairs of a single borough, and as such, in conflict with seventh section of the third article of the Constitution, this act is open to the fatal objection that by its terms the report of viewers appointed to assess damage for property taken for public use is made, when confirmed by the court, final and conclusive. Section eight of article sixteen of the Constitution, absolutely prohibits the General Assembly from depriving any person of an appeal and trial by jury according to the course of the common law when demanded. Clearly this act contravenes these salutary provisions of the fundamental law. I therefore withhold my approval.

HENRY M. HOYT.

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To the Assembly Vetoing “An Act Authorizing the Burgess and Town Council of the Several Boroughs of this Commonwealth to Construct Sewers in any Street, Lane or Alleys therein, and to Assess and Collect the Cost Thereof.”

Executive Chamber,

Harrisburg, June 10, 1879.

HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 156, entitled “An act authorizing the burgess and town council of the several boroughs of this Commonwealth to construct sewers in any street, lane, or alleys therein, and to assess and collect the cost and expense thereof.”

While the general object of the bill is unobjectionable, I am of the opinion that a fatal defect is to be

found in the provision which renders the finding of appraisers appointed by the courts of quarter sessions, as to the amount of damages to be assessed and paid by property holders after the construction of sewers, final and conclusive. The eighth section of the sixteenth article of the Constitution not only unmistakably denies to the General Assembly the right to deprive any person of an appeal from any preliminary appraisal, but also secures the right of a trial by jury, according to the course of common law, whenever demanded by any person injured by the extension of public works. If the constitutional provision as to the right of appeal is satisfied by the appeal given from the award of the appraisers appointed by councils, the right to a jury trial still remains, which is not satisfied by the privilege of contesting on the scire facias, because if the act is valid, the provision making the award of appraisers appointed by the court final and conclusive would, in the absence of any other rule of law, preclude the possibility of a defense on the merits, as to the amount of the claim. Because, clearly in violation of the provisions of the Constitution, I withhold my approval of this bill.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act Relating to the Assessment and Payment of Road Damages in the Boroughs of Berks County."

Executive Chamber,

Harrisburg, June 10, 1879.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 109, entitled "An act relating to the assessment and payment of road damages in the boroughs of Berks county."

This act is open to objection: First. Because it is a local and special act regulating the affairs of the boroughs of a single county.

Secondly. Because it is a repeal of general laws indirectly enacting local and special laws.

Thirdly. Because it extends and confers the special road laws of Berks county to the boroughs in said county without re-enacting and publishing them at length.

Fourthly. Because it is a special act authorizing the laying out and opening of roads, streets, and alleys, all of which is a violation of the sixth and seventh sections of the third article of the Constitution. I therefore withhold my approval.

HENRY M. HOYT.

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To the Assembly Vetoing "A Supplement to an Act, Entitled 'An Act Relative to the Prison of Northumberland County,' Approved the Fourth Day of April, Eighteen Hundred and Seventy-eight, Amending and Extending the Seventh Section of Said Act."

Executive Chamber,

Harrisburg, June 12, 1879.

**I** HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 264, entitled "A supplement to an act, entitled 'An act relative to the prison of Northumberland county,' approved the fourth day of April, eighteen hundred and seventy-eight, amending and extending the seventh section of said act."

Neither in the form of a supplement to an act al-

ready passed or in the form of an original bill has the General Assembly the power to enact special or local laws regulating the affairs of counties. Such legislation is expressly forbidden by the seventh section of the third article of the Constitution. This act is undoubtedly within the constitutional prohibition, and however useful and necessary it may be, the relief sought must be obtained through the medium of general legislation. For the reason stated, I am unable to approve this bill.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act to Prevent the Appointment of Persons to Assess the Shares of Bank Stock in this Commonwealth and to Provide for the Assessment Thereof and Payment of the Taxes Thereon."

Executive Chamber,

Harrisburg, June 12, 1879.

HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 139, entitled "An act to prevent the appointment of persons to assess the shares of bank stock in this Commonwealth, and to provide for the assessment thereof and payment of the taxes thereon."

An attempt is made by this act to require of bank officers an annual statement for use as a basis of taxation. I am of the opinion that the act fails to reach its purpose, because the only information required of such officers is as to "the number of shares of stock of such bank or savings institution held by each shareholder, and the residence of such shareholder." No

valuation, appraisement, or mention of par value of the share is required, and therefore no basis of assessment or data from which the commissioners may assess or which they may rectify if dissatisfied.

The general revenue bill contains provision on the same subject, more suitable to reach the desired end. Until some mode of enforcing a proper return by officers of national banks is devised, the office of bank assessor would seem to be a necessary adjunct in the system for levying and collecting State taxes from banks. For the reasons stated, I withhold my approval of the bill.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act to Protect Game and Prohibit Trespassing upon Enclosed, Occupied or Improved Lands in Westmoreland County in Pursuit of Game."

Executive Chamber,

Harrisburg, June 12, 1879.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 100, entitled "An act to protect game and prohibit trespassing upon enclosed, occupied, or improved lands in Westmoreland county in pursuit of game."

I am of the opinion that this act is a clear violation of the seventh section of the third article of the Constitution, which forbids the passage by the General Assembly of any local or special law regulating the affairs of counties. A general law on this subject would be unobjectionable; but this special act, I am obliged, for the reason stated, to disapprove.

HENRY M. HOYT.

To the Assembly Vetoing "An Act to Secure to Operatives and Laborers Engaged in and About Coal Mines and Manufactories of Iron and Steel, the Payment of their Wages at Regular Intervals and in Lawful Money of the United States."

Executive Chamber,

Harrisburg, June 12, 1879.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 49, entitled "An act to secure to operatives and laborers engaged in and about coal mines and manufactories of iron and steel, the payment of their wages at regular intervals and in lawful money of the United States."

By the seventh section of the third article of the Constitution the General Assembly is prohibited from passing any local or special law, regulating labor, trade, mining, or manufacturing. This act applies only to operatives and laborers engaged in and about certain coal mines and manufactories of iron. It attempts to regulate the dealings between employers and employes in the kinds of trade and manufacturing named. Operations where less than ten men are employed, are excepted from its provisions, and it is therefore a special act and within the constitutional prohibition. If a law of this character would be advantageous to persons employed in the large coal and iron industries of the State, it would be no less desirable for those employed in the smaller operations and to the greatly larger number engaged in other branches of manufacturing and mining who are excluded from its benefit.

No valid reason can be assigned for making a distinction between a minor or laborer employed in a coal mine and one employed in an ore mine, or between a workman in an iron-mill and a workman in a lumber-

mill or glass works. To guard against unjust and unreasonable discrimination, and to distribute as equally and fairly as possible among the people of the State the benefits of legislation through the medium of general laws, was the chief intent of the framers of the Constitution. Special immunities and privileges cannot be conferred by special acts in the large class of cases named in the seventh section of the third article—either upon employers or employes, or any one else.

I am further of the opinion that if this act were general in its operation it would still be open to valid objection, as being contrary to the genius of our free government, as based upon a theory subversive of the true principle of our institutions. Among the general great and essential principles of liberty and free government, as recognized and unalterably established by the declaration of rights, is the right of every free-born and independent man "to acquire, possess, and protect property and pursue his own happiness." For the full enjoyment of this right the laborer must be allowed to sell his labor to whom and for such price and on such terms as seems good to him, without molestation, hindrance, or restriction. If the General Assembly, controlled by some adverse interest, should be brought to declare that the rate of wages should be a penny a day for a day's work, and should further prescribe the diet and clothing of the laboring man, no doubt would be entertained as to the glaring unconstitutionality of such a law; but the principle underlying this act, if recognized and carried to its logical conclusion, would authorize an act regulating the day's wages and the workman's diet whenever a Legislature could be found to pass it. The true governmental function is to secure to each individual citizen the largest share of personal freedom in every relation of life consistent with the preservation of organized society. No form of government such as ours can or ought to

undertake the task of supervising the business or private economical relations of the individual citizen. When all are equal before the law, each ought to rely on himself for subsistence and success. When to each citizen is secured the right to go and come, to work or be idle, to contract with whomsoever he will, and also absolute security from encroachment by others on his fundamental rights, government will have answered the purpose of its creation, and can properly attempt nothing further. Only when men have been disabled by disease or accident, or have lost their reason, and thus become objects of public charity, appealing to the humanity and kindly sympathies of their fellows, and willing to surrender themselves to public control, ought public provision to be made for their necessities.

This bill, in my judgment, interferes with the free employment of capital, arbitrarily controls trade, substitutes legislation for the laws of supply and demand, and is the beginning of a system of paternal government, at variance with our political institutions, which has always proved, when tried, injurious alike to the employed as well as the employer.

Believing it to be not only in conflict with the Constitution, but also contrary to public policy and the true theory of free government, I am compelled to withhold my approval.

HENRY M. HOYT.



To the Assembly Vetoing "An Act to Repeal an Act, Entitled 'An Act Supplementary to the Act Consolidating the City of Philadelphia, Relating to the Cleaning of Streets of Said City,' Approved March Eighteen, One Thousand Eight Hundred and Sixty-nine."

Executive Chamber,  
Harrisburg, June 28, 1879.

**I** HEREWITH FILE IN THE OFFICE OF THE Secretary, of the Commonwealth, with my objections thereto, Senate bill No. 156, entitled "An act to repeal an act entitled 'An act supplementary to the act consolidating the city of Philadelphia, relating to the cleaning of streets of said city,' approved March eighteen, one thousand eight hundred and sixty-nine."

The act which this bill proposes to repeal, vested in the board of health of the city of Philadelphia all the powers formerly vested in the select and common councils, in the mayor and board of select and common council, and in the highway department of that city, relating to the cleaning of streets, markets, and public highways of said city, and the removal of ashes, garbage, refuse, and dead animals from the same.

It directed the board of health to advertise for proposals for performing this work; compelled all proposals to be accompanied with specifications showing how often and in what manner the proposed work is to be done, and required each one to be opened at the time and place fixed in the advertisements in the presence of the finance committee of said city, and of a majority of the board of health. The contract was to be awarded to the lowest and best bidder, and was made subject to the approval of a majority of both the finance committee and of the board of health.

The repeal of this act will revive the act of Assembly approved the fourth day of April, one thousand

eight hundred and sixty, entitled "A further supplement to an act to incorporate the city of Philadelphia, approved February second, one thousand eight hundred and fifty-four, relative to street cleaning."

This act empowers the select and common councils of that city, "without previous estimates or advertisements for proposals, to authorize the mayor of said city to make and execute a contract or contracts with such party or parties, and on such terms and conditions as they may designate, for cleaning and keeping clean the said city for any period not exceeding five years, and that the select and common councils shall have full power and authority to adopt all necessary measures in relation thereto."

The control of the streets and highways of a city ought properly to be trusted to its councils, but with suitable restrictions upon their action. Before the act of one thousand eight hundred and sixty-nine is repealed there ought to be some provision requiring the same care which it exacts to be taken by the councils to have the work of cleaning the public ways of that city performed most thoroughly and with the least expense to the citizens.

The present system is represented to me to be satisfactory in its operation, and under the supervision of the finance committee to be more economical and effective than any earlier system for the same purpose, and I therefore believe it to be my duty to give the citizens of Philadelphia the repose they ask from this additional legislation.

HENRY M. HOYT.

To the Assembly Vetoing "An Act Relating to Finance, Taxes and Taxation in Cities of the Second Class."

Executive Chamber,  
Harrisburg, June 30, 1879.

**I** HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 250, entitled "An act relating to finance, taxes, and taxation in cities of the second class."

This bill contains enactments of much wider scope than its title indicates, and is, in my judgment, objectionable for these reasons:

1. It gives to the councils of cities of the second class "power to levy and collect taxes for municipal purposes," and enables them to abolish the existing system of levying and collecting taxes which is now in successful operation, and to substitute a new and different one.

2. It makes a radical change in the present method of the classification of property for the purpose of taxation as "city, rural, and agricultural property," and permits "an equitable allowance in favor of suburban, rural, or agricultural property." Although the true rule of taxation, in my judgment, is to make the adjustment and equalization in the valuation of property and not in the rate of taxation, the bill fails to provide the necessary and proper machinery to carry this method into effect.

3. It destroys the independence of the school board, and to a large extent places it under the control of the city councils. The policy of the common school system of this Commonwealth has been to keep it separate from all other municipal departments; to give it power to levy and collect its own taxes; to keep and appropriate its own funds, and to manage its own affairs

in its own way with entire freedom from all responsibility except to the citizens. The experience of the Commonwealth has proven the wisdom of this policy. This bill now proposes to change it, and to lodge in the hands of city councils the sole power to determine and collect the amount of money they may think necessary for school purposes, and to make the city treasurer the custodian of the fund. This dependence upon the city councils would deprive the school board of discretion in the employment of teachers, the maintenance and extension of school facilities, and the management of its pecuniary affairs, and for it substitutes the opinion and direction of city councils. It will lessen, if not entirely destroy, the responsibility of the board to the citizens by making it directly responsible to the councils and not to them for the manner and amount of its disbursements. It will, in course of time, introduce political considerations into the management of school matters, subject our popular system of education to political influence, and perhaps awaken partisan opposition. The present administration of the school board of the cities of the second class has been represented to me to be honest, economical, and efficient, and I am informed that no friend of education desires to have it changed.

4. The purport of the entire bill is by no means evident. Some of its provisions are capable of varied constructions, and may lead to vicious results. The only valuable feature it contains is the provision it makes for the collection of delinquent taxes levied prior to the passage of the act of 22d day of March, 1877. But their collection can better be suspended than have it made the means of introducing this kind of legislation. All the other objects of this bill can be better obtained under existing laws, and when other methods are sought they ought to be accompanied with a detailed mode of reaching them.

Believing the bill to be impolitic, tending to confusion in city government, destructive to the best interests of the common school system, defective in the method it provides for "finance, taxes, and taxation," and unneeded by the cities of the second class, who have hardly had time to understand and apply the legislation so recently given them, I am compelled to disapprove it.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act Designating the Judicial Districts of the Commonwealth, and Providing for the Appointment and Election of Judges Therein for Issuing to Additional Judges Learned in the Law Commissions as President Judges and Manner of Fixing the Terms of Court Therein."

Executive Chamber,

Harrisburg, June 18, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, Senate bill No. 212, entitled "An act designating the judicial district of the Commonwealth, and providing for the appointment and election of judges therein for issuing to additional judges learned in the law, commissions as president judges and manner of fixing the terms of court therein."

This bill has been passed in pursuance of section fourteen of the schedule of the Constitution. Only such objections as are founded upon its want of conformity to the organic law, or its violation of a settled public policy, should be allowed to prevail against it. Under statutes existing at the opening of the present session, there were in commission in the State seventy-

seven judges of the courts of common pleas and orphans' courts learned in the law. With this act the number would be increased to eighty-six. Since the year 1874, the counties of Blair, Butler, Cambria, Clarion, Clearfield, McKean, and Tioga have become, by virtue of their increase of population, entitled to be constituted "separate judicial districts," and the office of associate judge therein would cease upon expiration of commissions of present incumbents. Owing, however, to the peculiar arrangement of these counties in their districts in the existing apportionment, the necessary increase of judges from this cause would be but three. In the counties named, this increase of three would be required by the positive mandate of the Constitution, over which there is, of course, neither legislative nor executive control. If any large discretion was left, under the Constitution, to the law-making power, in the designation of the several judicial districts, it might be said that this bill is as nearly right as any likely to be made.

But a decisive point has been reached on this question, and, if errors have been made in the past, by reason of a failure to comply with the fundamental law or sound policy, no more favorable opportunity for revision and correction than the present will occur.

There is now a universal recognition of the inexpediency of the great increase of judges in the courts of common pleas, hindering their efficiency and affecting the dignity of the judicial office, and by imposing duties and labors upon them in many of the districts far within reasonable requirements upon their time and ability, tending to lower the public estimate of their functions. The number of law judges in Pennsylvania exceeds the number of the judges in all the courts of the United States, and the salaries of the judges in the State exceed the salaries paid the supreme judges, the circuit judges, and the district judges

of the United States, by more than one hundred thousand dollars annually. If any tendency to impolitic and inconvenient results exists in the judiciary article of the Constitution, we can, at least, minimize the mischief by a rigid adherence to the definitions and limitations of the article. The rules of apportionment which are prescribed, are found in article five section five of the Constitution, as follows: "Whenever a county shall contain forty thousand inhabitants, it shall constitute a separate judicial district, and shall elect one judge learned in the law. And the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts, as the General Assembly may provide. The office of associate judge not learned in the law is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms."

The analysis of this section by Chief Justice Agnew, in *Commonwealth ex rel. Chase vs. Harding*, 6 *Norris' Reports*, 351, to the extent to which it goes, may be accepted as strictly accurate. He says: "Under this section, the organization of separate districts consisting of a single county, and that of single districts composed of several counties, is different; the former having but one judge, who holds all the courts alone, and additional law judges, when necessary for the dispatch of business; the latter having three judges, one of whom, the president, is learned and the other two not learned in the law; the president being a judge of every county of his district, and the associates of only one county." According to this judicial exposition, the first division of the section constitutes coun-

ties containing forty thousand or upwards of population, (except Philadelphia and Allegheny, which are elsewhere treated of,) into a distinct class, and very clearly distinguishes them from those of less population. Each one of them is to be a "separate district," that is, a separate county district, with one law judge to preside in its courts, and with one or more such judges in addition, if the same shall be added by the Legislature, for the necessary transaction of its judicial business. And with equal certainty, according to this opinion, the second division of the section commands that counties below forty thousand in population shall be united together to form convenient single districts," or districts with one law judge each. The explanation is properly added, that the law judge of a single district will sit with two unlearned associates in each county of his district, because such associates are allowed to all counties of the second class, or counties below forty thousand by the third division of the section. When to these particulars we add, that where necessity shall require it, in order to complete an apportionment, a county of the second class may be "attached" to a contiguous separate county district, (4 Cons. Deb., 255; 6 ib., 503,) a general view of the section in all its principal divisions, is made complete.

The present bill designates each county of the State over forty thousand population as a separate county district, and so far, beyond all question, conforms to the Constitution, and its addition of law judges in some of those districts is also an exercise of valid power. So also its attachment of Potter county to the Tioga district is authorized by the second division of the constitutional section. But its creation of separate county districts from counties of small population raises a question of serious import, and challenges, the construction of the fifth section of the fifth article of the Constitution, above stated.



Can a county of less population than forty thousand be made a "separate district?" This question appears to be answered by the text of the Constitution itself: "Counties containing a population less than is sufficient to constitute separate districts shall be formed," &c. As those words immediately follow the provisions relating to counties above forty thousand, the conclusion is a necessary one that they relate to and embrace counties of less population than forty thousand, and they plainly declare the counties to which they do refer to be "insufficient" for constituting "separate districts." That these words embrace all counties under forty thousand appears from the fact that they are general, and that no other description of counties is afterwards indicated in this section. The section embraces all the counties of the Commonwealth, assigns each to a class, and, in its classification, exhausts all the territory of the State. No condition is stated in the section upon which a county of the "single district" class can pass into the "separate district" class, except by its increase of population to forty thousand.

An examination of the convention debates will show that it was intended by that body that counties falling below the minimum of population required for separate districts were "to be united together" or "attached to counties adjoining them." (6 Cons. Deb., 483, 493.) And the history of amendments proposed in convention by Mr. Craig, of Lawrence, and Mr. Mann, of Potter, and which led up to the Purviance amendment, ultimately adopted, is the same line of evidence as to convention intent and purpose. (4 Cons. Deb., 151-7.)

It may be said by the judicial apportionment act of 1874 several counties which were under forty thousand, according to the census of 1870, were made separate county districts, namely, Adams, Beaver, Delaware, Indiana, and Susquehanna. But that apportion-

ment was not made under the fourteenth section of the schedule to the Constitution, as the present and all future ones will be. It was made under the thirtieth section of the schedule, and could be based upon the estimated population of counties in 1874. The Legislature was not to be controlled by a four-year old census, but by existing numbers, of which the Legislature itself was to judge. The present apportionment, however, must be made upon the actual figures ascertained by the decennial census of 1880. The counties of Beaver, Greene, Jefferson, Lawrence, and Lebanon, according to that census, each contain a population of less than forty thousand inhabitants. By this bill each of these counties is made a separate judicial district. If the foregoing reasoning is correct, these districts are illegally constituted, and if the bill shall take effect, will be organized in violation of the Constitution.

These considerations, if significant at all, are conclusive and fatal to the bill. There are, however, some other features of it not unworthy of attention, and which would compel its disapproval. By the terms of the bill it would seem that the additional law judge of the Twelfth district was to be transferred to the county of Lebanon. Very grave legal difficulties surround that proposition. The right by which a judge exercises his office should, of all rights, be free from doubt. The endeavor to make this transfer may result in an unseemly and serious conflict of authority, and endanger the orderly administration of the law by the introduction of confusion and illegality at its very source.

The bill creates an additional law judge in each of the counties of Erie and Crawford. This is a question of expediency, based solely upon considerations of what "the business of said districts may require." In these districts themselves, there is substantial unanimity

of sentiment that the increase is not needed. As independent propositions, it is believed they would neither be demanded by the people in the districts nor receive legislative sanction.

An objection has been urged upon my attention that the counties of Adams and Fulton, as united in the bill, do not "form a convenient single district," within a reasonable interpretation of the Constitution. Although the Constitution does not require that counties joined in a single district shall be contiguous, it does assume that they shall bear "convenient" relations to each other.

A written plan has been submitted to me from a source likely to inspire the highest confidence in its practical value and wisdom, touching the organization of our courts, to utilize the services of common pleas judges, and relieve the Supreme Court. It is appended hereto and filed, that it may find such publicity and receive such consideration by the people and the Legislature as its importance is entitled to demand.

HENRY M. HOYT.

#### Plan of Judicial Organization.

Every five contiguous districts may be formed into an intermediate one—call it, if you please, a circuit—the five president judges to form the court. No writ of error or appeal to lie to the Supreme Court from any county court unless first carried to the intermediate court, and final judgment there entered. It could be so arranged that these intermediate courts should sit twice a year, at such place as they may from time to time elect. The prothonotary of the court of common pleas of the county where the court may sit, to be clerk of the court. Some special provision may be made for Philadelphia and Allegheny. In Philadelphia the five president judges might form the court, and in Allegheny the three president judges.

The advantages of this system seem to be:

1. To reduce the number of writs of error and appeals to the Supreme Court, and thus allow the judges more time to consider and decide really important questions. In 1880 there were more than eight hundred cases argued in the Supreme Court, and about two hundred non-suits.

2. It would tend to secure uniformity of practice in the several districts.

3. It would give more constant employment to the judges, which will the better qualify them for their office.

There would be no additional expense to the State.

To the Assembly Vetoing "An Act to Provide for the Payment of the Laborers of this Commonwealth at Regular Intervals."

Executive Department, Office of the Governor,  
Harrisburg, June 28, 1881.

I HEREBY FILE IN THE OFFICE OF THE SECRETARY of the Commonwealth, with my objections thereto, House bill No. 49, entitled "An act to provide for the payment of the laborers of this Commonwealth at regular intervals."

This bill provides "that thirty days after the passage of this act all persons engaged in physical labor throughout this Commonwealth, except those salaried by the year and those laboring under special contracts, shall receive the wages due them in lawful money of the United States at least once every month."

Every employer, in case of neglect or refusal to pay as specified, shall be liable to a penalty, in addition to the wages due, "of five per centum of such

amount for every day such employer shall so refuse or neglect."

No mischief exists, nor has occasion yet arisen requiring an enactment like this, which undertakes to regulate in such detail the daily affairs of our life. It extends the penalties and compulsory process of the law into the economy of every household, and surrounds the most common and trivial transactions among men with the formalities and inconveniences of "special contracts" and "agreements in writing," methods of evasion, by the way, which may operate to avoid any virtue which there might be in the bill.

The first and second sections of the bill are inconsistent with each other, and cannot stand together. It compels the payment of wages "in lawful money of the United States," and leaves no room for the operations of exchange and barter, or any other form of payment, still less of credit. The public facts on official record disclose a single grievance in this connection which seems worthy of legislative attention; but its remedy by no means requires the wide scope of this bill.

In the report of the Bureau of Statistics for 1879, the chief of that department refers to some of the evils of the "truck system" or store orders. He suggests, from the information therein compiled, "that abuses exist and are practiced" in this respect to some extent in this State. He properly ascribes the failure to suppress this specific grievance by the sweeping character of the laws proposed and "the impossibilities attempted." He says, speaking of extensive mining and manufacturing enterprises especially, "we think, however, that law should compel the employer to pay his employe in the lawful money of the land; that the issuing of scrip should be prohibited, and that settlements in full should be made at least once a month. With this money earned as wages, the workman should

be left free to purchase where he pleases and to the best advantage, whether that be in a company or any other store.

There is, it is believed, a very general concurrence in these propositions by political writers. The evil if it be one, lies at a critical place in our social economy, and if remediable by statute, should be removed, as it is the source of much exaggeration, and furnishes ammunition for the mere agitators.

At the present session of the General Assembly, Senate bill No. 67, with a view of effectuating these three purposes, was passed.

It is entitled "An act to secure to operators and laborers engaged in and about coal mines, manufactories of iron and steel, and all other manufactories, the payment of their wages at regular intervals, and in lawful money of the United States."

This act is divested of the penal features which have vitiated and defeated many previous attempts at legislative interference in this direction, and is aimed at the only mischiefs, growing out of this subject matter, which demand present remedy.

Under much unnecessary verbiage, its objects seem to be distinct, legitimate, and under reasonable limitations. It has received executive approval.

House bill No. 49 is inconsistent in its details with Senate bill No. 67, is unnecessary and impolitic.

It further allows the employer "stay of execution," and, to that extent, repeals the act of May 14, 1874, which provides "that no stay of execution shall be allowed on any judgment for one hundred dollars and less, when the same has been recovered for wages of manual labor;" a result possibly not contemplated, and one which would unsettle a policy now well established.

To the Assembly Vetoing "An Act Conferring Upon Husbands, Wives and Fathers the Right of Possession of the Bodies of their Deceased Husbands, Wives and Children."

Executive Department, Office of the Governor,  
Harrisburg, June 28, 1881.

I HEREBY FILE IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH, Senate bill No. 274, entitled "An act conferring upon husbands, wives, and fathers the right of possession of the bodies of their deceased husbands, wives, and children," with my objections thereto.

The act provides generally (section one) that the surviving husband, wife, or father of one family shall have possession, custody, and control of the body or bodies of the deceased members of the family who have been or may be hereafter interred to remove them to other places of burial, and specially (sections two and three) authorizes a surviving husband, wife, or father to demand of the officers of burial places the body of a deceased wife, husband or child, and in case of refusal of a permit of removal by said officers to recover possession of the body by writ of replevin or writ of mandamus; but no such right is given to the mother in any part of the bill; and finally its provisions are to apply to cities of the first class only.

The provisions of the act are vague, retroactive, conflicting, and local.

By the first section, the possession of the body or bodies of deceased members of "one family," is given to certain surviving members, but the bill does not specify the order in which two surviving members shall take or hold. Taken in connection with the second section, even when the term "one family" is restricted to the more limited sense which any interpretation of the sections will admit of, this radical defect would be productive of numerous conflicting claims.

The ambiguities and difficulties thence arising are in marked contrast with the rational principles of the present well-settled law and public policy. "So universal is the right of sepulture, that the common law casts the duty of providing it, and of carrying to the grave, the dead body decently covered, upon the person under whose roof the death takes place." Supplementary to this rule of the common law, to secure to every person a decent burial, our courts have decided: "That the right to bury a corpse and preserve its remains, in the absence of any testamentary disposition, belongs exclusively to the next of kin," and "that the duty of the administrator or executor terminates with the burial of the deceased in a manner suitable to his estate. (*Wynkoop vs. Wynkoop*, 6 *Wright*, 293.)

I see no necessity, either of policy or sentiment, for disturbing these principles. It is rarely that any disputes have arisen under them, and still more rarely that the courts have been asked to interfere. The decorously conducted case, above referred to, is the only one of the kind, so far as I am aware, in the reports of Pennsylvania.

The means provided to enforce the purposes of the act are open to grave objection. In the official proceedings of a writ of replevin it is not unreasonable to anticipate unavoidable consequences, alike shocking to our respect for the dead and detrimental to public propriety. Nor is the alternative of mandamus much more acceptable. And both remedies remove such controversies out of the courts of equity, to which they properly belong and in which they can be most decently tried.

It is scarcely necessary to point out the obvious objection to the last proviso. If the principles of the bill are proper or necessary, they should be given general operation. The classifications of the cities of the Commonwealth for municipal legislation appro-



priate to each class, is probably necessary and justified by the Constitution, but for the purposes intended in this bill no reason can be urged to justify such class legislation.

It is repugnant to our traditions and feelings to acknowledge the right of property in man, even though he be dead, and the law has heretofore carefully and judiciously, avoided the recognition of any the slightest ownership of a corpse, except such as is unavoidably incident to mere possession for the purposes of decent sepulture, and its preservation, by the next of kin. But the rights of the dead are sufficiently protected, the duty of the living sufficiently defined, and no controversies of any moment have disturbed its general and reverent performance. Instead of inviting such unseemly contests, the policy of the law has been to strengthen, if possible, the universal discouragement and abhorrence with which they have been met. After the last duties have been paid by the partriarch, the next of kin, or by society, the dead are no longer of this world, and their mortal remains should be permitted to mingle with the dust, undisturbed by the passions and, as far as may be, the interests of posterity.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act for the Collection of Unpaid City Taxes in Cities of the Fourth Class."

Executive Chamber,

Harrisburg, June 29, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 243, entitled "An act for the collection of unpaid city taxes in cities of the fourth class."

The effect of this bill is to allow city councils to take the tax duplicates out of the hands of the receiver of taxes, and place them in the hands of the mayor for collection, and to appoint collectors as they may think proper.

How such transfer could be advantageous to such cities is not easily discernable. The receivers of taxes are clothed with all needful authority for the collection of taxes. They give bond for the faithful performance of their duty, and are responsible for the payment of uncollected tax that might have been collected. Mayors of cities are vested with no such authority. They give no bond, condition to perform such duty, and could be held for nothing but amounts actually received. Such a change of agencies for the collection of tax, unless supported by some reason not apparent in practice or on the face of this bill, would be open to many and grave objections, and I, therefore, withhold my approval.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act to Regulate the Holding of, and to Prevent Frauds in, the Primary Elections of the Democratic Party in the Several Election Districts of the County of Westmoreland."

Executive Chamber,

Harrisburg, June 29, 1881.

I HEREBY FILE IN THE OFFICE OF THE SECRETARY OF THE Commonwealth House bill No. 450, with my objections, entitled "An act to regulate the holding of, and to prevent frauds in, the primary elections of the Democratic party in the several election districts of the county of Westmoreland."

This bill is in direct conflict of section seven article

three of the Constitution, which prohibits the passing of any local or special laws regulating the affairs of counties, cities, townships, wards, boroughs, or school districts. Although some special laws, touching the subject matter of this bill have got upon the statute books, the necessity of this and other such encumbering the record no longer exists. The approval of House bill No. 121, entitled "An act regulating the holding of and to prevent frauds in the primary elections of the several political parties in the Commonwealth of Pennsylvania," covers the ground of the bill in hand, and renders it superfluous.

HENRY M. HOYT.

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To the Assembly Vetoing "A Supplement to an Act, Entitled 'An Act to Provide for the Division of Counties of this Commonwealth, and the Erection of New Counties Therefrom,' Approved the Seventeenth Day of April, Anno Domini One Thousand Eight Hundred and Seventy-eight, Providing for and Regulating the Removal of Proceedings from the Orphans' Court of the County Erected in Cases Where the Estate Lies or the Parties in Interest Reside Within the County Erected."

Executive Chamber,

Harrisburg, June 29, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 299, entitled "A supplement to an act entitled 'An act to provide for the division of counties of this Commonwealth, and the erection of new counties therefrom,' approved the seventeenth day

of April, Anno Domini one thousand eight hundred and seventy-eight, providing for and regulating the removal of proceedings from the orphans' court of the county divided to the orphans' court of the county erected in cases where the estate lies or the parties in interest reside within the county erected."

This act, though general in its terms, is applicable only to the counties of Luzerne and Lackawanna.

Nearly three years have elapsed since the division of Luzerne county, and a large proportion of all the orphans' court business pertaining to estates situate in Lackawanna county has been settled in the separate orphans' court of Luzerne. In those remaining unsettled, proceedings partially completed have been had before the judge of that court, and the reasons for permitting them to be completely settled without removal in a half finished state to another tribunal are more cogent than the mere convenience of saving a few miles of travel to parties and attorneys interested. I therefore withhold my approval of this bill.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act Relative to Adoption of a City Code in Cities of the Third Class."

Executive Chamber,

Harrisburg, June 29, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 110, entitled "An act relative to adoption of a city code in cities of the third class."

The purpose of this act seems to enable city councils to adopt as a whole, in form of a printed book, a system

of ordinances for the government of cities of the third class, without publication or record.

I doubt the propriety of such legislation. The well-established and uniform policy of the law has always been to require the publication, by hand-bills and otherwise, of such rules and regulations as may have been, from time to time, adopted by city councils, for the information of persons who are expected to observe them. There is now nothing to prevent the publication of ordinances in book form if desirable, and, therefore, the act is unnecessary as conferring power for that purpose. I see no good reason for departing from an established usage in cities of this particular class, and am apprehensive that inconvenience and trouble might arise from the adoption of a body of regulations without provision for their publication for the use of councilmen or citizens, or for their record among the archives of the city.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act to Repeal an Act Relating to Sealers of Weights and Measures, Approved the Fourth Day of April, One Thousand Eight Hundred and Seventy-seven."

Executive Chamber,  
Harrisburg, June 29, 1881.

HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 144, entitled "An act to repeal an act relating to sealers of weights and measures, approved the fourth day of April, one thousand eight hundred and seventy-seven."

The intent of this act is to abolish the office of sealer

of weights and measures in all the counties of this Commonwealth in which the office had not been filled in the year 1877, by the repeal of the act of 4 April, 1877.

The repeal of this act in no wise affects the act of 15 April, 1845, (P. L., 444.) which authorizes the appointment of a sealer of weights and measures in each county that applies for and takes out copies of the standards of weights and measures under the second section of said act, and the Governor may appoint a sealer of weights and measures in any county taking out such standards, notwithstanding the repeal of the act 1877. The act under consideration, therefore, fails in its purpose. If such were not the case, I am not prepared to approve an act destroying this office in a portion of the counties of the Commonwealth. I am of opinion that the office is valuable as a means of securing uniform and just weights and measurements for the sale of commodities, and that experience has demonstrated its wisdom as a means of preventing fraud, which must generally fall on those at least able to endure it.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act for the Protection of Dairymen, and to Prevent Deception in Sales of Butter and Cheese."

Executive Chamber,  
Harrisburg, June 29, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 550, entitled "An act for the protection of dairymen, and to prevent deception in sales of butter and cheese."

This bill was intended to prohibit the exportation or sale of the article known to commerce as oleomargarine, unless the packages shall be marked "imitation butter," or the use thereof in hotels, restaurants, or boarding houses, unless a sign be conspicuously posted containing the words "imitation butter or cheese served here."

The manufacture of oleomargarine is protected by letters patent, issued by the United States, under that provision of the Constitution which gives Congress the power to promote the progress of science and the useful arts, by securing for limited periods to inventors, an exclusive right to their discoveries. An inventor has an undoubted right to use the name given by himself to his invention, especially if it be descriptive of the article, and not calculated to deceive, and there is grave doubt whether the General Assembly has power to compel a patentee to name or label his invention by a designation that would tend to diminish its sale and profit, unless it be found dangerous to health or morals.

By the act of 22 May, 1878, vendors of the article covered by the act under consideration must mark it "oleomargarine," and its sale without this designation is made a penal offense. This name is sufficiently descriptive of the article, so that no one can be deceived. Its use is not understood to be deleterious to health or against public morals, and therefore to arbitrarily brand it by a name calculated to injure its sale, and which is not descriptive of its character could not be justified as an exercise of police power. Its use is a question of taste and not of morals or health.

I am, therefore, of the opinion that this act ought not to become a law, on the ground that its operation would tend to infringe the rights secured to patentees by acts of Congress under the Constitution of the United States, and that any mischief likely to arise

from the sale of the article known as oleomargarine is sufficiently provided against by the act of the General Assembly of Pennsylvania above quoted.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act Regulating the Election of Prothonotaries, Clerks of the Several Courts, Registers of Wills and Recorders of Deeds in Counties Entitled to be Constituted Separate Judicial Districts, Where one Person is now Elected to Fill all of Said Offices."

Executive Chamber,

Harrisburg, June 29, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 484, entitled "An act regulating the election of prothonotaries, clerks of the several courts, registers of wills and recorders of deeds in counties entitled to be constituted separate judicial districts, where one person is now elected to fill all of said offices."

This bill undertakes to regulate so important a county affair as the election of county officers in such counties only as constitute separate judicial districts. All laws regulating county affairs must be general—article three, section seven Constitution. No such classification as that attempted in this bill is necessary, nor can it be allowed under the Constitution. For this reason, I withhold my approval.

HENRY M. HOYT.



To the Assembly Vetoing "An Act to Provide for Fixing the Compensation to be paid, for Boarding Prisoners Committed to the Jails of the Several Counties, Where There is no Special Law Providing for the Same, and to Repeal the Act of 11th of April 1856, Relative to the Sheriffs of this Commonwealth."

Executive Chamber,

Harrisburg, June 29, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, Senate bill No. 57, entitled "An act to provide for fixing the compensation to be paid for boarding prisoners committed to the jails of the several counties, where there is no special law providing for the same, and to repeal the act of 11th of April, 1856, relative to the sheriffs of this Commonwealth."

This bill is by its terms confined to counties in which certain special laws are not in force, and to that extent is an attempt to classify the counties of the Commonwealth in a manner not recognized by the decisions of the Supreme Court and unknown to the Constitution.

The mandate of the Constitution is found in the seventh section of the third article, is that "no local or special bill shall be passed regulating the affairs of counties."

Whether this bill applies to one or more counties depends upon whether a greater or less number have local laws on the subject of compensating sheriffs for boarding prisoners. Such classification if allowed and extended would be likely to soon work a substantial nullification of a wholesome constitutional provision. In the language of the Supreme Court in a recent case, this is classification run wild.

No reason is known why this subject should not be

regulated by a law of uniform operation applicable to all the counties of the Commonwealth repealing all local and special statutes.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act to Enlarge the Jurisdiction of the Courts of Common Pleas in Certain Cases."

Executive Chamber,  
Harrisburg, June 20, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, Senate bill No. 275, entitled "An act to enlarge the jurisdiction of the courts of common pleas in certain cases."

This bill confers upon courts of common pleas the power to hear and adjudicate all claims or unsettled accounts for work done, materials furnished, money advanced, or personal service rendered within the last ten years in the management or repairs of the national road or the bridges thereon, and to direct payment to be made out of any money arising from tolls.

No reason is known to exist why the statute of limitations, applicable to all other citizens of this Commonwealth, should be suspended and a new remedy furnished to the particular class of persons mentioned or intended to be covered by this act.

The general policy of the law that claims shall be barred after the lapse of six years, is just in theory and satisfactory in practice. I am of the opinion that it ought not to be disturbed, and that legislative exceptions to the general rule are vicious, and if allowed to creep in, would soon become intolerable.

HENRY M. HOYT.

To the Assembly Vetoing "An Act to Repeal an Act Authorizing Clerks of Markets to Weigh Butter, Et Cetera."

Executive Chamber,  
Harrisburg, June 29, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 149, entitled "An act to repeal an act authorizing clerks of markets to weigh butter, et cetera."

The original law repealed by this bill has been in force upwards of one hundred and six years. It was designed to prevent the sale of short weight packages of butter, and by the act of 1872, was extended to sausages and lard exposed for sale in the markets of Philadelphia. Injustice in the confiscation of such articles exposed for sale and found to be deficient in weight by the market clerk, is provided against by the right of appeal to a magistrate. These acts are wholesome, and do not touch an honest dealer. They are safeguards against petty frauds in the weight of necessary articles of food, and might, with propriety, be extended to other articles sold in packages of specified weight.

The wisest of men said, "A false balance is an abomination to the Lord, but a just weight is His delight."

No sufficient reason can be assigned, in the interest of morality and justice, for the repeal of these acts. I therefore withhold my approval of this repealing bill.

HENRY M. HOYT.

To the Assembly Vetoing "An Act Relating to Auctioneers in Cities of the First Class."

Executive Chamber,  
Harrisburg, June 30, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, Senate bill No. 114, entitled "An act relating to auctioneers in cities of the first class."

The only result accomplished by this act is to relieve certain auctioneers in cities of the first class from the payment of taxes on their sales and to the extent of the amount of such tax is detrimental to the public treasury. The act imposes no greater license fee than that now exacted by law, but simply takes off a tax. Why the sale of horses, cattle, and vehicles by auction should be relieved from taxation and other property pay a tax, does not appear. I am of the opinion that the bill is not advantageous to the interest of the Commonwealth or equitable in its operation, and I therefore, withhold my approval.

HENRY M. HOYT.

To the Assembly Vetoing "An Act to Authorize the Commissioners of the Several Counties of this Commonwealth, Excepting in Cities of the First Class and in Counties Having Special Laws Regulating Prisons to Discharge from Prison all Persons Confined in Jail Without Proceedings Under the Insolvent Laws."

Executive Chamber,  
Harrisburg, June 30, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 24, entitled "An act to authorize the commissioners of the several counties of

this Commonwealth, excepting in cities of the first class, and in counties having special laws regulating prisons to discharge from prison all persons confined in jail without proceedings under the insolvent laws."

This bill undertakes to authorize the commissioners of the counties of this Commonwealth, except in those having special laws, and in cities of the first class, to perform certain acts pertaining to the county business. It is in effect an attempt to classify counties by the curious standard of the possession or non-possession of certain laws. Whether this act is applicable to one or more counties could only be ascertained by an examination of the special acts applicable to all counties. I am of opinion that this kind of classification is not only unnecessary, but not to be permitted under the seventh section of the third article of the Constitution which forbids the passage of special or local laws regulating the affairs of counties. A law general in its terms, but in fact, excepting a majority or large number of the counties of the Commonwealth from its operation, would be an evasion of a wholesome constitutional limitation, and might be taken as a precedent for a general law excluding all counties but one. General laws applicable to the case treated in this bill could easily be framed, and therefore there is no necessity to justify the classification attempted. For these reasons I withhold my approval.

HENRY M. HOYT.

To the Assembly Vetoing "An Act Appropriating Ten Thousand Dollars to the Milton School District, for the Re-erection and Payment of Public Buildings Destroyed by the Fire of Milton, May Fourteenth, One Thousand Eight Hundred and Eighty."

Executive Chamber,  
Harrisburg, June 30, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 335, entitled "An act appropriating ten thousand dollars to the Milton school district, for the re-erection and payment of public buildings destroyed by the fire of Milton, May fourteenth, one thousand eight hundred and eighty."

This act appropriates the sum of ten thousand dollars to the Milton school district, in consideration of the destruction of their buildings by fire, in the year 1880, at the time when a general conflagration destroyed the business part of the town of Milton.

A similar appropriation of seventy-five thousand dollars to the sufferers by a fire at Somerset, in the year 1872, failed to receive executive sanction, as being contrary to public policy. The reasons stated by his Excellency John F. Hartranft, for withholding approval of that bill are applicable in all their force to this. Since that time the Constitution of 1874 has been adopted, and by the eighteenth section of the third article, appropriations of this character are expressly forbidden.

It provides that "no appropriation, except for pensions or gratuities for military services, shall be made for charitable, educational, or benevolent purposes, to any persons or community." An appropriation to a school district is an appropriation to a community, as the bounds of the district are coterminous with the

borough or township, and every citizen is a beneficiary. Doubtless many of the school-taxpayers of Milton, though losers by the fire, are not in need of pecuniary relief. In no case has the State donated money to those not in destitute circumstances. The operation of this bill would be to relieve those least needing relief from the payment of the taxes necessary to reconstruct suitable school buildings, as the burden of taxation must necessarily fall on the largest holders of property.

Such charitable institutions as are fostered by the State have no means of helping themselves other than by appeals to the benevolent. A school district has power to lay under contribution every taxpayer and all taxable property within its limits, and to collect by law sufficient for its wants.

While the citizens of Milton may be now less able to bear the burdens of taxation than they were before they suffered loss by fire, yet their case is not one of destitution or absolute want, nor is there a probability that their children will be unprovided with the ordinary opportunities for public school education, if the building proposed to be erected with the money here appropriated is never built. This case is, therefore, one in which the money appropriated would go for the benefit of the needy and those who are not needy alike; and it is, therefore, exactly within the reasons assigned for the veto of the bill for the relief of the citizens of Somerset before the adoption of the new Constitution. A glance at the debates of the convention will show that the intention of the provision above quoted was, to cut off, without remedy, just such appropriations as this. Therefore, though sympathizing with the misfortunes of the citizens of Milton, not only on grounds of public policy, but of the unconstitutionality of this measure, I am forced to withhold my approval.

HENRY M. HOYT.

To the Assembly Vetoing "An Act Relative to the Lien and Collection of Taxes and Water Rents in Cities of the Third Class."

Executive Chamber,

Harrisburg, June 30, 1881.

HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 109, entitled "An act relative to the lien and collection of taxes and water rents in cities of the third class."

This bill makes water rents, among other things, liens upon real estate, to be first paid out of the proceeds of judicial sales, and not to be divested by such sale unless covered by distribution of the fund realized, and gives any collector power to distrain for such rents and issue a warrant to a constable to seize any property found on the premises without respect to its ownership, and collect the rent with cost. Further remedy is provided by permission to a lien and for sale of the real estate by *feri facias*.

I am not willing to confer upon water companies, which happen to be located in cities of the third class, such unusual, oppressive, arbitrary, and unnecessary power. I see no reason why such companies should be afforded higher privileges for the collection of their dues than those enjoyed by other corporations or citizens. The water company's rent has no better claim to special protection than the butcher's or baker's bill; one being no more necessary and inevitable than the others. A first lien on real estate for a tailor's account might be the next step in the direction of this most extraordinary legislation were the door once placed ajar. I am of the opinion that the known and usual remedies for the collection of debts, coupled with the rules and restrictions within the power of the water companies to make, are amply sufficient for their protection, and that legislation which incumbers



real estate, wherever situate, with secret first liens, ascertainable only by inspection of the books of private corporations, is essentially vicious, and clothes private persons with arbitrary power to issue warrants to collect debts, without trial or hearing, out of the property of persons who did not contract them.

HENRY M. HOYT.

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To the Assembly Vetoing "A Supplement to the Charter of the Salisbury Railroad Company, Organized under the Act Concerning the Sale of Railroads, Canals, Turnpikes, Bridges, and Plank Roads, in Which was Filed and Recorded in the Office of the Secretary of the Commonwealth, on the Eighth Day of June, Anno Domini One Thousand Eight Hundred and Seventy-five."

Executive Chamber,

Harrisburg, June 30, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth with my objections, House bill No. 342, entitled "A supplement to the charter of the Salisbury Railroad Company, organized under the act concerning the sale of railroads, canals, turnpikes, bridges, and plank roads, in which was filed and recorded in the office of the Secretary of the Commonwealth, on the eighth day of June, Anno Domini one thousand eight hundred and seventy-five."

If there is any one thing clearly forbidden by the Constitution of 1874, it is that no special act shall be passed creating corporations or amending, renewing, or extending the charters thereof. This act is in direct, palpable, and unmistakable violation of this constitutional prohibition. Article three, section seven.

It is entitled "A supplement to the charter of the Salisbury Railroad Company." Its first and only section grants the right to extend the line of the railroad company, to increase its capital stock, to mortgage the extension, and to issue bonds for a loan. If this be not an amendment of this charter by special act, then such a thing as an amendment is impossible.

It is urged that section seven of article three of the Constitution should be construed in connection with section two, article sixteen. As collated, the reading would be as follows: "The General Assembly shall not pass any special or local law," \* \* \* "creating corporations, or amending, renewing, or extending the charters thereof," \* \* \* "except, and upon the condition that such corporation shall thereafter hold its charter, subject to the provisions of this Constitution." It is, however, manifest that whatever "special law" may be contemplated by section two, article sixteen, such laws cannot be among those prohibited by section seven of article three.

HENRY M. HOYT.

To the Assembly Vetoing "An Act Granting a Pension to Edwin Hatch."

Executive Chamber,

Harrisburg, June 30, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 200, entitled "An act granting a pension to Edwin Hatch."

From the preamble it appears that the beneficiary is the father of Ryland Hatch, a private in the National Guard of Pennsylvania, who died from exposure and fatigue in a forced march from Corry to Franklin,

and also from exposure at Pittsburgh, while in the service of the State, during the insurrection in July and August, 1877, and that this son was his father's only support, and that the said father is in destitute circumstances.

I have permitted several acts granting annuities and gratuities to widows and orphans of soldiers of the National Guard to become laws by lapse of time, without my approval, being in doubt whether such acts were within the power left to the General Assembly by the Constitution, and being willing to resolve all doubt in favor of the beneficiaries, especially as by section nineteen, article three appropriations may be made for the maintenance of widows and orphans of soldiers in organized institutions, but the case of a father is clearly beyond the constitutional permission given to grant relief for military service.

The eighteenth section of the third article expressly forbids the extension of charitable relief to any person, except for military service. As Edwin Hatch, to whom this appropriation is made, rendered no military service to the State, the Constitution does not permit the General Assembly to confer on him a pension or annuity. The fact of his relationship, poverty, or dependence on his son, who rendered the service, cannot alter the plain mandate of the Constitution. The people choose to close the treasury to demands of this nature, however meritorious, and it is my sworn duty, however disagreeable, to execute the paramount law. If relationship, dependence, and poverty were allowed to lift the bar to relief, then where ought the line to be drawn as to the degree of relationship, and why ought not a person simply dependent and poor to be allowed charity, whether related or not. Safety to the wise provision intended for the protection of the treasury from the importunities of the unworthy, demands an adherence, without exception, to its com-

mands, and I am, therefore, constrained to withhold my approval of this bill.

HENRY M. HOYT.

To the Assembly Vetoing "An Act to Provide for the Mode of Ascertaining Damage and Injury to Property by the Construction or Enlargement of Works, Highways, and Improvements by Municipal and Other Corporations and Providing for Security."

Executive Chamber,  
Harrisburg, July 1, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, Senate bill No. 364, entitled "An act to provide for the mode of ascertaining the damage and injury to property by the construction or enlargement of works, highways, and improvements by municipal and other corporations, and providing for security."

The bill provides, in section one, "That in all cases now pending or hereafter to arise, wherein the owner or owners of any property are entitled to any damages by reason that said property has been injured or destroyed by the construction or enlargement of the works, highways, or improvements of any municipal or other corporation, the remedy of said owner or owners shall be an action on the case against such municipal or other corporations," &c.: "Provided, The foregoing provisions shall not apply to any case where a remedy has already been established."

Section two provides for securing the compensation to the owner of the property injured or destroyed, by filing bond in the court of the proper county.

I am not certain that I apprehend the exact purport and purpose of this bill. Under existing statutes, a general and complete method of assessing the damages for property taken by municipal and other corporations has been provided.

It is in the main, through the award of viewers, with subsequent appeal and trial by jury in the courts when desired. It has been in operation for many years throughout the entire State, is applicable to all corporations, and I know of no case or class of cases where "a remedy has" not "already been established" for assessment and payment of damages for property taken by municipal or other corporations.

But previous to the adoption of the Constitution, "consequential" damages were not so recoverable. The Constitution introduced a new rule or measure of damages. Section eight, article sixteen, prescribes that "municipal and other corporations and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed, which compensation shall be paid or secured before such injury or destruction \* \* \* and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury according to the course of common law."

These provisions, while they set up a new rule in the estimate of damages, in no wise repeal or alter the present statutory methods or procedure for ascertaining them.

Viewers and courts, proceeding under the existing laws, are to be governed by the provisions of this section. It was so held by the Supreme Court of Pennsylvania in *City of Reading vs. Althouse*, reported in *Weekly Notes*, Vol. IX, No. 2. It was there said "that section provides for the making of compensation not only for the taking of private property for public use,

as was the case theretofore, but also for its injury or destruction." \* \* \* "Many cases have been cited upon the part of the city, for the purpose of proving that an action for consequential damages against a corporation possessed of the right of eminent domain cannot be sustained. But these authorities are now of no value, for the new Constitution has introduced a different rule." That rule operates at once, without the intervention of a statute.

Against all corporations "invested with the privilege of taking private property for public use," a remedy has then already been established. Practiced for many years, familiar by long usage, settled by judicial construction, and meeting all the conditions and requirements of justice.

In the case of corporations not so invested, I can think of no corporate act, offensive or defensive, for which the common law does not now provide protection and a remedy for both the corporation and the public.

It is difficult to see what wrong or infraction of right is left outstanding, for which no present remedy exists, and this bill would then be without adequate motive.

If it be thought that the doctrine of *City of Reading vs. Althouse* is not correct, or that damages are given by the Constitution in any case where the "injury or destruction" does not result from the "taking," a new act might be required. But in that event this bill will fail to meet all the exigencies of the case, and will be insufficient. This bill relates only to property "injured or destroyed," and not to property taken. The Constitution, in the sections cited, gives the right to consequential damages in the cases of property "taken, injured, or destroyed." As the Constitution so groups them, so should a statute group them in carrying it into effect. This bill fails to do this. The legislation ought not to be enacted by detail.

Again, I see no reason for adopting the form of the "action in the case," and abandoning all advantages of a judicious tribunal of local viewers in the first instance, with right of appeal and then a trial "by a jury, according to the course of the common law."

If I read this bill in the light of its true theory, it is unnecessary. If I err in regard to the present state of the law on this subject, the bill is not sufficiently wide in its scope. In either event, I see no good reason for changing the tribunal, the practice, and the forms by which damages are to be ascertained, inasmuch as present processes have worked substantial justice and satisfactory results.

HENRY M. HOYT.

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To the Assembly Vetoing "An Act for the Relief of Thomas F. Kerns, Prothonotary of Schuylkill County."

Executive Chamber,  
Harrisburg, July 7, 1881.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 68, entitled "An act for the relief of Thomas F. Kerns, prothonotary of Schuylkill county."

In the preamble of this bill the facts that induced its passage, and upon which must stand or fall, are recited.

It appears that the prothonotary of Schuylkill county deposited money paid into court, in the Miners' Trust Company of Pottsville, a bank of good repute, and which had been for over twenty-five years the general depository for county officers, and that such

funds could only be drawn out on order of the court. The bank failed, and a large sum of money belonging to private parties was lost, which the prothonotary has since made good. It does not appear that any part of the money thus deposited were the funds of the State.

He is indebted to the State for tax on writs, and the purpose of the bill is to give him a credit settlement not exceeding four thousand dollars on his account, and thus relieve him from the payment of that sum into the treasury.

This amounts to an appropriation of the sum of four thousand dollars of State funds to the prothonotary of Schuylkill county, in consideration of the losses suffered by him by reason of the failure of the said bank. I find no warrant, but rather an express prohibition in the Constitution of such disposition of the public funds.

By the eighteenth section of the third article, the General Assembly is forbidden to make "appropriations except for pensions, or gratuities for military services, for charitable, educational, or benevolent purposes, to any person or community." While the misfortunes of the beneficiary in this bill excite commiseration, they do not justify departure by the General Assembly, either directly or indirectly, from so plain and stringent a constitutional prohibition.

If, by the order of the court, he was required to deposit funds paid into court in a particular bank, such order ought, and doubtless would shield him from personal loss. If he chose to deposit without such order, he took the risk of failure and cannot now in justice, equity or reason, any more than any other citizen who has suffered misfortune, call upon the State to make good his losses in whole or in part.

°HENRY M. HOYT.



## Proclamation of Vetoes. 1881.


Pennsylvania, ss.



commonwealth.

I N THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Com-

## A PROCLAMATION.



I, HENRY M. HOYT, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue, and in compliance with the provisions of Article IV, Section 15, of the Constitution thereof, do hereby give notice that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bills passed by both Houses of the General Assembly, viz:

Senate Bill No. 212, entitled "An Act designating the judicial districts of the Commonwealth, and providing for the appointment and election of Judges therein for issuing to additional judges learned in the law commissions as president judges and manner of fixing the terms of court therein."

Senate Bill No. 274, entitled "An Act conferring upon husbands, wives and fathers, the right of possession of the bodies of their deceased husbands, wives and children."

Senate Bill No. 275, entitled "An Act to enlarge the jurisdiction of the courts of common pleas in certain cases."

Senate Bill No. 57, entitled "An Act to provide for fixing the compensation to be paid for boarding prisoners committed to the jails of the several counties where there is no special law providing for the same and to repeal the act of eleventh of April, one thousand eight hundred and fifty-six, relative to the sheriffs of this Commonwealth."

Senate Bill No. 114, entitled "An Act relating to auctioneers in cities of the first class."

House Bill No. 49, entitled "An Act to provide for the payment of the laborers of this Commonwealth at regular intervals."

House bill No. 550, entitled "An Act for the protection of dairymen and to prevent deception in sales of butter and cheese."

House Bill No. 149, entitled "An Act to repeal an act authorizing clerks of markets to weigh butter, et cetera."

House Bill No. 144, entitled "An Act to repeal an act relating to sealers of weights and measures approved the fourth day of April, Anno Domini one thousand eight hundred and seventy-seven."

House Bill No. 110, entitled "An Act relative to adoption of a city code in cities of the third class."

House Bill No. 484, entitled "An Act regulating the election of Prothonotaries, Clerks of the several courts, Registers of Wills and Recorders of Deeds in counties entitled to be constituted separate judicial districts where one person is now elected to fill all of said offices."

House Bill No. 299, entitled "A Supplement to an act, entitled "An Act to provide for the division of counties of this Commonwealth and the erection of new counties therefrom," approved the seventeenth day of April, Anno Domini one thousand eight hundred and seventy-eight, providing for and regulating the removal of proceedings from the Orphans' Court of the county divided, to the Orphans' Court of the county erected in cases where the estate lies or the parties in interest reside within the county erected."

House Bill No. 450, entitled "An Act to regulate the holding of and to prevent frauds in the primary elections of the Democratic party in the several election districts of the county of Westmoreland."

House Bill No. 243, entitled "An Act for the collection of unpaid city taxes in cities of the fourth class."

House Bill No. 24, entitled "An Act to authorize the commissioners of the several counties of this Commonwealth excepting in cities of the first class and in counties having special laws regulating prisons, to discharge from prisons all persons confined in jail without proceedings under the insolvent laws."

House Bill No. 335, entitled "An Act appropriating ten thousand dollars to the Milton School district for the re-erection and payment of public buildings destroyed by the fire of Milton, May fourteenth, one thousand eight hundred and eighty."

House Bill No. 109, entitled "An Act relative to the lien and collection of taxes and water rents in cities of the third class."

House Bill No. 342, entitled "A Supplement to the charter of the Salisbury railroad company organized under the act concerning the sale of railroads, canals, turnpikes, bridges and plank roads and which was filed and recorded in the Office of the Secretary of the Commonwealth on the eighth day of June, Anno Domini one thousand eight hundred and seventy-five."

House Bill No. 200, entitled "An Act granting a pension to Edwin Hatch."

Senate Bill No. 364, entitled "An Act to provide for the mode of ascertaining the damage and injury to property by the construction or enlargement of works, highways and improvements by municipal and other corporations, and providing for security."

House Bill No. 68, entitled "An Act for the relief of Thomas F. Kerns, Prothonotary of Schuylkill county."

Given under my Hand and the Great Seal of the State, at Harrisburg, this ninth day of July, in the year of our Lord, one thousand eight hundred and

eighty-one, and of the Commonwealth the one hundred and sixth.

By the Governor.

M. S. Quay,

Secretary of the Commonwealth.

HENRY M. HOYT.

Proclamation Inviting the People of the Commonwealth to Unite on September 6th 1881, in Prayer for the Restoration to Strength and Health of President James Abram Garfield.

Pennsylvania, ss.



monwealth.

IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Commonwealth.

A PROCLAMATION.



The people of Pennsylvania are invited to assemble in their respective houses of worship on Tuesday, the sixth day of September, instant, between the hours of ten o'clock A. M. and twelve o'clock noon, to unite in public prayer and supplication to Almighty God for the restoration to health and strength of the President of the United States and to invoke the Divine aid and blessing upon the nation and State.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Third day of September, in the year of our Lord one thousand eight hundred and

In the name and by the authority of the  
Commonwealth of Pennsylvania:

The people of Pennsylvania are invited to  
assemble in their respective houses of worship on Tuesday  
the 27th day of September instant, between the hours of  
ten o'clock A.M. and twelve o'clock noon to unite in  
public prayer and supplication to almighty God for  
the restoration to health and strength of the President of  
the United States and to invoke the Divine aid and  
blessing upon the Nation and the State.

Given at Harrisburg this third day of September  
in the year of our Lord  
A. D. 1881 and in the 105<sup>th</sup> year of Independence.

By the Governor

M. S. Quay

Secretary of the Commonwealth.

Original Draft of the Governor's Proclamation of a Day of Prayer for  
President Garfield.



eighty-one, and of the Commonwealth the one hundred and sixth.

HENRY M. HOYT,  
Governor.

M. S. Quay,  
Secretary of the Commonwealth.

By the Governor.

Proclamation of a Day of Fasting and Prayer on Account of the Assassination of President James A. Garfield.

Pennsylvania, ss.



monwealth.

IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Commonwealth.

A PROCLAMATION.

The chastening hand of God has been heavily laid upon the Nation. A beloved and honored Chief Magistrate has been removed by death in the beginning of an official career which promised to usher in an era of unexampled peace, prosperity and good will.

The hearts of the people are bowed with sorrow for this great loss and thrill with sympathy for the bereaved wife and orphaned children.

Accepting the duty of humble submission to the decree of the Ruler of the Universe, and in order that the occasion upon which fitting public respect is being paid to the memory of James Abram Garfield, late President of the United States may lead us to suppli-

cate divine grace as well as bow in recognition of divine sovereignty, I, HENRY M. HOYT, Governor of the Commonwealth of Pennsylvania, do appoint Monday next as a day of fasting and prayer and recommend that the people of the State suspending all secular occupations, assemble themselves together in their respective places of worship on that day to unite in their prayers to Almighty God for the welfare of the nation and its rulers, and that the grief of those who mourn may be comforted.

Given under my Hand and the Great Seal of the State, at Harrisburg this twenty-second day of September, in the year of our Lord one thousand eight hundred and eighty-one, and of the Commonwealth the one hundred and sixth.

HENRY M. HOYT,  
Governor.

M. S. Quay,  
Secretary of the Commonwealth.

By the Governor.

Proclamation of a Day of Thanksgiving. 1881.

Pennsylvania, ss.



monwealth.

IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Commonwealth.

A PROCLAMATION.



During a season of drought and partial failure of the harvests, which in a less fruitful land would have brought famine and distress, and in a time of public trial and tribulation, which under less happy institutions might have led to dissension and strife, the people of



Commonwealth of Pennsylvania  
Executive Chamber

Harrisburg Sept 3 1851

His Excellency:

Governor \_\_\_\_\_

At the request of large <sup>numbers</sup> bodies of citizens of  
Pennsylvania I have ~~received~~ <sup>received</sup> named Tuesday night  
between the hours of ten A.M. and ~~at the hour of~~ <sup>noon</sup> in which they are invited to meet  
for purpose of public prayer for the restoration & health  
of President Garfield. I venture the hope that you  
see your way clear to <sup>summon</sup> the people of your state to unite with  
us in this appeal for <sup>Mr. Gray and</sup> ~~the people~~ <sup>aid</sup> to the Nation and  
the <sup>General</sup> ~~States~~

Wm. M. Hoyt

Original Draft of Governor Hoyt's Letter of Transmittal to Governors  
of Other States.



the United States, and particularly of Pennsylvania, have been preserved in health, in estate and in peace.

Now, therefore, I, HENRY M. HOYT, Governor of the Commonwealth of Pennsylvania, do ordain and set apart Thursday, November 24th, A. D. 1881 (being the same day appointed by the President of the United States), for the observance of those religious services, recognizing the beneficence and care of the Father of us all, and those household customs, strengthening the bonds of families and a common brotherhood, in which the time-honored traditions of the Commonwealth have embodied the thanksgiving and prayers of a grateful people.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Tenth day of November, in the year of our Lord one thousand eight hundred and eighty-one, and of the Commonwealth the one-hundred and sixth.

HENRY M. HOYT,  
Governor.

M. S. Quay,  
Secretary of the Commonwealth.

By the Governor.

Proclamation of the Cancellation of Four Hundred and Twenty One Thousand Eight Hundred and One Dollars and Sixty Cents of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.

[Signed] Henry M. Hoyt.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Commonwealth.

## A PROCLAMATION.



Whereas, By the third section of an act of the General Assembly of this Commonwealth, entitled "An Act to establish a Sinking Fund for the payment of the public debt," approved the second day of April, Anno Domini one thousand eight hundred and fifty-eight and the supplements thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer Commissioners of the Sinking Fund created by the said first recited act of the General Assembly, to report annually and certify to the Governor the amount received under the said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall direct the certificates representing the same to be cancelled, and on such cancellation issue his Proclamation, stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And Whereas, M. S. Quay, John A. Lemon and Samuel Butler, Commissioners of the Sinking Fund, report and certify to me that the amount of the debt of the Commonwealth of Pennsylvania, redeemed and held by them from the first day of December, Anno Domini one thousand eight hundred and eighty, to and including the thirtieth day of November, Anno Domini one thousand eight hundred and eighty-one, is Four Hundred and Twenty-one Thousand Eight Hundred and one dollars and sixty cents, made up as follows, viz:

Five per cent. bonds, .....	\$115,451 60
Six per cent. bonds, .....	306,350 00
	<hr/>
Total amount redeemed, .....	\$421,801 60
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Now Therefore, As required by the third section of the Act of the General Assembly, first above recited, I, HENRY M. HOYT, Governor as aforesaid, Do issue this my Proclamation hereby declaring the payment, cancellation, extinguishment and final discharge of Four Hundred and Twenty-one Thousand Eight Hundred and One Dollars and Sixty cents of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg, this Twenty-first day of December, in the year of our Lord One thousand eight hundred and eighty-one, and of the Commonwealth, the one hundred and sixth.

By the Governor.

M. S. Quay,  
Secretary of the Commonwealth.

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Proclamation of the Election of Silas M. Baily as  
State Treasurer.

Pennsylvania, ss.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, An act of the General Assembly of this Commonwealth, entitled "An Act to provide for the receiving, opening and publishing the returns of the election for State Treasurer and of Auditor General when elected at the same election." approved the ninth day of May, A. D. eighteen hundred and seventy-nine, pro-



vides that whenever the Legislature shall not be assembled, and a State Treasurer or Auditor General shall have been elected at the preceding annual election, the Governor, the President Judge of the Twelfth Judicial District, the President pro tem. of the Senate, the Speaker of the House of Representatives, four Members of the Senate and six Members of the House of Representatives, shall meet in the Senate Chamber, at Harrisburg, at twelve o'clock noon, on the third Tuesday of January succeeding each election of a State Treasurer or Auditor General, and they or a majority of them being so convened, shall proceed to open, compute and publish the returns of the election for State Treasurer and Auditor General and shall file in the office of the Secretary of the Commonwealth, a certificate, signed by each of them, setting forth the aggregate number of votes received by each person voted for at such election; the Governor shall, within ten days thereafter declare by proclamation the name of the person elected to each of said offices:

And Whereas, The persons composing the commission to open, compute and publish the returns of the late General Election for State Treasurer, have filed in the Office of the Secretary of the Commonwealth the certificate provided for in said act of the General Assembly, showing that Silas M. Baily received the greatest number of votes of the persons voted for at said election to fill the office of State Treasurer.

Now Therefore, I, HENRY M. HOYT, Governor as aforesaid, in conformity with the provisions of the aforesaid act of the General Assembly, Do issue this my Proclamation hereby declaring that Silas M. Baily was elected to the Office of State Treasurer at the General Election held on the Eighth day of November, A. D. one thousand eight hundred and eighty-one, he having received the greatest number of votes of the persons voted for to fill said office at said election.

Given under my Hand and the Great Seal of the State, at Harrisburg this Eighteenth day of January, in the year of our Lord one thousand eight hundred and eighty-two, and of the Commonwealth the one hundred and sixth.

By the Governor.

M. S. Quay,

Secretary of the Commonwealth.

HENRY M. HOYT,

Governor.

Proclamation appointing the Bi-Centennial Anniversary of the Landing of William Penn and the Founding of the Colony of Pennsylvania a Legal Holiday. 1882.

Pennsylvania, ss.



monwealth.

IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Com-

A PROCLAMATION.

Whereas, Two hundred years have elapsed since the landing of William Penn and the founding of the Colony of Pennsylvania, and it is fitting that the Bi-centennial Anniversary of the event should be celebrated by the people of this Commonwealth; and inasmuch as arrangements have been made for such celebration by municipal corporations, organized associations and private citizens, in which it is desirable and proper that all persons within our borders should participate.

Now, therefore, in order that the object of such celebration and commemoration may be accomplished,



I, HENRY M. HOYT, Governor of Pennsylvania, do hereby declare the twenty-fourth day of October, instant, a legal holiday for the general cessation of business and do recommend that the authorities and people of our cities, boroughs and towns institute such observances as shall signalize our gratitude for the success under Divine ordination of the "holy experiment" in behalf of civil and religious liberty which the great founder of our happy State inaugurated.

Given under my Hand and the Great Seal of the State at Harrisburg this Sixteenth day of October in the year of our Lord one thousand eight hundred and eighty-two, and of the Commonwealth the one hundred and seventh.

By the Governor.

J. R. McAfee,  
Deputy Secretary of the Commonwealth.  
HENRY M. HOYT,  
Governor.

Proclamation of a Day of Thanksgiving. 1882.

Pennsylvania, ss.



monwealth.

IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Commonwealth.

A PROCLAMATION.



In common with the inhabitants of all the land, the people of this State have just cause of thankfulness to Almighty God for the manifold, material, intellectual and spiritual fruits and increase of the year:



Now, therefore, I, HENRY M. HOYT, Governor of Pennsylvania, do ordain and appoint Thursday, the thirtieth day of November, A. D. 1882, as recommended by the President of the United States, a day of Thanksgiving and Prayer; to the end that the citizens of the Commonwealth of every race, creed and condition, together with the wayfarer and the sojourner therein, may gather at the altar and the hearth to give thanks to God; to implore a continuance of His favor; to renew and strengthen in kindness of heart and act, social and domestic ties; and to set apart, out of the abundance of the year, one day as a sign and covenant of their faith and hope and love.

Given under my Hand and the Great Seal of the State, at Harrisburg, this second day of November, in the year of our Lord one thousand eight hundred and eighty-two, and of the Commonwealth the one hundred and seventh.

By the Governor.

M. S. Quay,

Secretary of the Commonwealth.

HENRY M. HOYT,

Governor.

Proclamation of the Election of Silas M. Clark as a  
Judge of the Supreme Court.

Pennsylvania, ss.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Commonwealth.

## A PROCLAMATION.



Whereas, It is provided in and by an act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of judges of the several courts of this Commonwealth and to regulate certain Judicial districts, approved the 15th day of April, A. D. 1851, that the Secretary of the Commonwealth shall cause the returns made to him of an election for Judge of the Supreme Court to be opened and the votes cast for the persons voted for to fill said office to be accurately computed and that the Governor shall forthwith issue his Proclamation declaring the person voted for, for Judge of the Supreme Court who has received the greatest number of votes to be duly elected. And whereas the Secretary of the Commonwealth has caused the returns of the late General election for Judge of the Supreme Court to be opened and the votes cast to be accurately computed, whereupon it appeared that Silas M. Clark received the greatest number of votes of the persons voted for to fill the said office of Judge of the Supreme Court.

Now Therefore, In conformity with the provisions of the aforesaid act of the General Assembly, I, HENRY M. HOYT, Governor as aforesaid, do issue this my proclamation hereby publishing and declaring that of the persons voted for, for Judge of the Supreme Court of this Commonwealth at the late General Election held on the seventh day of November last past Silas M. Clark received the greatest number of votes and is duly elected a Judge of the Supreme Court of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this Twenty-second day of November, in the year of our Lord one thousand eight

hundred and eighty-two, and of the Commonwealth the one hundred and seventh.

By the Governor.

Francis Jordan,

Secretary of the Commonwealth.

HENRY M. HOYT,

Governor.

Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.  
1882.

Pennsylvania, ss.



monwealth.

IN THE NAME AND BY THE  
authority of the Commonwealth  
of Pennsylvania. HENRY M.  
HOYT, Governor of the said Com-

A PROCLAMATION.

Whereas, In and by an act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Governor, on receipt of the returns of the election of members of the House of Representatives of the United States by the Secretary of the Commonwealth to declare by Proclamation the names of the persons returned as elected in the respective districts:

And Whereas, The returns of the General Election held on Tuesday, the seventh day of November last past for Representatives of the people of this State



in the House of Representatives of the United States, for the term of two years from the fourth day of March next, have been received at the Office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act of the General Assembly, whereby it appears that in the—

First District, composed of the First, Second, Seventh, Twenty-sixth and Thirtieth Wards of the city of Philadelphia, Henry H. Bingham has been duly elected.

In the Second District, composed of the Eighth, Ninth, Tenth, Thirteenth, Fourteenth and Twentieth Wards of the City of Philadelphia, and that part of the Seventeenth ward of said city lying west of Second street, Charles O'Neill has been duly elected.

In the Third District, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth and Sixteenth wards of the city of Philadelphia, Samuel J. Randall has been duly elected.

In the Fourth District, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth wards of the city of Philadelphia, William D. Kelley has been duly elected.

In the Fifth District, composed of the Eighteenth, Nineteenth, Twenty-second, Twenty-third, Twenty-fifth and Thirty-first wards of the city of Philadelphia and that part of the Seventeenth ward of said city lying east of Second street, Alfred C. Harmer has been duly elected.

In the Sixth District, composed of the counties of Chester and Delaware, James B. Everhart has been duly elected:

In the Seventh District, composed of the county of Montgomery and all of that portion of the county of Bucks not included in the Tenth District, I. Newton Evans has been duly elected.

In the Eighth District, composed of the county of Berks, Daniel Ermentrout has been duly elected.

In the Ninth District, composed of the county of Lancaster, A. Herr Smith has been duly elected.

In the Tenth District, composed of the counties of Northampton and Lehigh and the townships of Durham, Milford, Springfield, Richland, Rockhill, Haycock, Nockamixon and Sinicum, and the borough of Quakertown, in the county of Bucks, William Mutchler has been duly elected.

In the Eleventh District, composed of the counties of Columbia, Montour, Carbon, Monroe and Pike, and the townships of Lehigh, Roaring Brook and Spring-Brook and the boroughs of Dunmore and Gouldsboro, and that part of the city of Scranton south of Roaring-Brook creek and east of the Lackawanna river, all in the county of Lackawanna, and the following townships and boroughs in the county of Luzerne, viz: The townships of Nescopeec, Black Creek, Sugar Loaf, Butler, Hazel, Foster, Bear-Creek, Buck, Salem, Holtenback, Huntingdon, Fairmount and Upper Lehigh, and the boroughs of New Columbus, White Haven, Jeddo, Hazleton and Freeland, John B. Storm has been duly elected.

In the Twelfth District, composed of the parts of Lackawanna and Luzerne counties not included in the Eleventh District, Daniel W. Connelly has been duly elected.

In the Thirteenth District, composed of the county of Schuylkill, Charles N. Brumm has been duly elected.

In the Fourteenth District, composed of the counties of Dauphin, Lebanon and Northumberland, Samuel F. Barr has been duly elected.

In the Fifteenth District, composed of the counties of Bradford, Susquehanna, Wayne and Wyoming, George A. Post has been duly elected.

In the Sixteenth District, composed of the counties

of Tioga, Potter, McKean, Cameron, Lycoming and Sullivan, William Wallace Brown has been duly elected.

In the Seventeenth District, composed of the counties of Cambria, Bedford, Blair and Somerset, Jacob M. Campbell has been duly elected.

In the Eighteenth District, composed of the counties of Franklin, Fulton, Juniata, Huntingdon, Snyder and Perry, Louis E. Atkinson has been duly elected.

In the Nineteenth District, composed of the counties of York, Adams and Cumberland, William A. Duncan has been duly elected.

In the Twentieth District, composed of the counties of Union, Clinton, Clearfield, Elk, Mifflin and Centre, Andrew G. Curtin has been duly elected.

In the Twenty-first District, composed of the counties of Westmoreland, Fayette and Greene, Charles E. Boyle has been duly elected.

In the Twenty-second District, composed of the city of Pittsburgh and the townships of Chartiers, Union, Scott, Stowe, Robinson, Upper and Lower St. Clair, Baldwin, Wilkins, Penn, Snowden, Mifflin and Jefferson, and the boroughs of Mansfield, Chartiers, Bradocks and West Elizabeth, in the county of Allegheny, James H. Hopkins has been duly elected.

In the Twenty-third District, composed of all that portion of Allegheny county not included in the Twenty-second District, Thomas M. Bayne has been duly elected.

In the Twenty-fourth District, composed of the counties of Washington, Beaver and Lawrence, George V. Pence has been duly elected.

In the Twenty-fifth District, composed of the counties of Clarion, Armstrong, Indiana, Forest and Jefferson, John D. Patton has been duly elected.

In the Twenty-sixth District, composed of the coun-

ties of Butler, Mercer and Crawford, S. H. Miller has been duly elected.

In the Twenty-seventh District, composed of the counties of Erie, Warren and Venango, S. M. Brainerd has been duly elected.

In the State at Large, Mortimer F. Elliott has been duly elected.

Now Therefore, I, HENRY M. HOYT, Governor as aforesaid, do issue this my Proclamation, hereby publishing and declaring that Henry H. Bingham, Charles O'Neill, Samuel J. Randall, William D. Kelley, Alfred C. Harmer, James B. Everhart, I. Newton Evans, Daniel Ermentrout, A. Herr Smith, William Mutchler, John B. Storm, Daniel W. Connelly, Charles N. Brumm, Samuel F. Barr, George A. Post, William Wallace Brown, Jacob M. Campbell, Louis E. Atkinson, William A. Duncan, Andrew G. Curtin, Charles E. Boyle, James H. Hopkins, Thomas M. Bayne, George V. Lawrence, John D. Patton, S. H. Miller and S. M. Brainerd, have been returned as duly elected in the several districts before mentioned, and Mortimer F. Elliott has been duly elected in the State at Large, as Representatives of the people of this State in the House of Representatives of the United States, for the term of two years from the fourth day of March next.

Given under my Hand and the Great Seal of the State, at Harrisburg this seventh day of December, in the year of our Lord one thousand eight hundred and eighty-two, and of the Commonwealth the one hundred and seventh.

By the Governor.

Francis Jordan,

Secretary of the Commonwealth.

HENRY M. HOYT,

Governor.


Proclamation of the Cancellation of Ten Million Three Hundred and Sixty Five Thousand One Hundred and Four Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. HENRY M. HOYT, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, By the third section of an act of the General Assembly of this Commonwealth, entitled "An Act to establish a Sinking Fund for the payment of the public debt," approved the second day of April, Anno Domini one thousand eight hundred and fifty-eight, and the supplement thereto approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General, and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly, to report annually and certify to the Governor the amount received under the said act, the amount of interest paid, and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall issue his Proclamation stating the fact, and the extinguishment and final discharge of so much of the principal of said debt.

And Whereas, Francis Jordan, John A. Lemon, and Silas M. Baily, Commissioners of the Sinking Fund, in obedience to the requirements of said enactments, report and certify to me that the amount of interest paid, and of the debt of the Commonwealth redeemed and held by them, for the financial year ending on the thirtieth day of November, Anno Domini one thousand



eight hundred and eighty-two, is Ten Million Three Hundred and Sixty-five Thousand One Hundred and Four Dollars and Seventy-seven Cents, made up as follows, viz:

4½ per cent. bonds, .....	\$87,000 00
5 per cent. bonds, .....	1,118,352 77
6 per cent. bonds, .....	9,159,750 00
Relief notes paid, .....	2 00

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Total amount redeemed, ..... \$10,365,104 77

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Of which last mentioned aggregate Nine Million Four Hundred and Fifty Thousand Dollars (\$9,450,000), were redeemed by the issue of a new loan at lower rates of interest, leaving the actual reduction of the State debt for said financial year Nine Hundred and Fifteen Thousand One Hundred and Four Dollars and Seventy-seven Cents.

Now Therefore, as required by the third section of the act of the General Assembly, first above recited, I, HENRY M. HOYT, Governor as aforesaid, Do issue this my Proclamation, hereby declaring the payment, cancellation, extinguishment, and final discharge of Ten Millions Three Hundred and Sixty-five Thousand One Hundred and Four Dollars and Seventy-seven Cents (\$10,365,104.77), of the principal of the public debt of this Commonwealth made up as hereinbefore recited.

Given under my Hand and the Great Seal of the State, at Harrisburg the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighty-two, and of the Commonwealth the one hundred and seventh.

HENRY M. HOYT,  
Governor.

By the Governor.

Francis Jordan.

Secretary of the Commonwealth.

Biennial Message to the Assembly. 1883.

Gentlemen of the Senate and House of Representatives:

**I**N THE INTERVAL SINCE THE LAST BI-ENNIAL session of the General Assembly, the Commonwealth has gone steadily forward in orderly and healthy growth. New sources of wealth have been opened within her borders—new enterprises of great moment have been inaugurated, and real progress seems to be the word, all along our lines. We must gratefully recognize the Providence which has maintained these conditions by which we are surrounded.

All good citizens apprehend those broad underlying principles of intelligence, virtue, and industry upon which this superstructure has been raised. In the main, the constructive results of these principles are controlled, neither in their origin nor their tendency, by legislative or executive acts. You are assembled, in pursuance of the mandate of the Constitution, as the sovereign power in the State, to enact such ordinances as shall maintain these influences at their best; to see that no destructive interferences arise; to impose the rule of even-handed justice and fair play upon the collisions between different men and communities and interests. It is my duty to suggest some of the topics which may engage your attention, and to take a survey of some of those governmental departments over which the State must have the absolute control, and of some of the institutions over which it extends its fostering care. The variety and the scope of the elements of our State life, and the expenses of regulation, will require some detail in statement. If the inventory grows lengthy, it is because the wealth and agencies involved well and signally illustrate the activities of a great people. You have definite action

to take, and it is your right to require precise information, but the constituencies behind us may justly feel great pride and gratification at the summary.

## STATE FINANCES.

Four years ago our people had not emerged from the effects of the long and disastrous prostration of business; and their ability to respond to the demands of the Treasury to meet expenses was seriously impaired. The financial officers of the State, at that time, found large failures in the sources of revenue confronting them. They wisely counted on the recuperative power of our industries, and effectively tided over the situation without the imposition of any added burthen upon the taxpayers:

At that date the State debt was . . . . .	\$21,875,620	86
At this date the State debt is, . . . . .	20,225,083	28

Reduction of debt in four years, . . . . .	\$1,650,537	58
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From this total of State debt is to be deducted assets in Sink- ing Fund, amounting to, . . . . .	7,992,983	82
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The net State indebtedness December 1, 1882, is, . . . . .	\$12,232,099	46
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In 1879, during the administration of State Treasurer A. C. Noyes, there was refunded an outstanding debt of \$2,000,000, bearing six per cent. interest, by a loan of a like amount, bearing four per cent. interest, the premiums on which were \$30,002.83.

In 1882, during the administration of State Treasurer Samuel Butler, State loans of over \$10,000,000, bearing in the main six per cent. interest, were refunded by loans of \$9,450,000, bearing interest at three, three and one-half, and four per cent. per annum. The premium on these loans amounted to \$449,562.00.

The result of these operations has been to reduce the annual interest which the State pays upon its interest-bearing debt from \$1,233,623.72 in 1878, to \$874,460 in 1882, an annual saving of \$359,163.72 on this account.

There is at present, under the administration of State Treasurer S. M. Baily, in the sinking fund, \$2,077,073.90 cash. As none of the State loans are at present re-imbursable, the treasurer has no lawful authority to apply this fund to reduction of the debt, except by going into the market and buying the bonds of the State at a premium, handsome, indeed, and creditable to the State, but embarrassing to a financial officer charged with accountability. These bonds, at market rates, now bear premiums about as follows:

The three and one-half per cents. are	
selling at, . . . . .	\$106
The four per cents. are selling at, . . . .	117
The five per cents. are selling at, . . . .	119

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Before such responsibility, the treasurer is fairly justified in awaiting a legislative command.

The skill and integrity which have worked these results, are entitled to the highest approval of the people of the State. To vigilance and efficiency on the part of the State Treasurers, the Auditor Generals, and the Attorney General during these years, are due these hopeful figures, and recognition for high public trusts, honestly fulfilled, will be cheerfully awarded them.

While the finances of the State are in this satisfactory condition, they, and the system of taxation upon which they are based, must be considered also in reference to local taxation for city, county, school, poor, and road purposes. Of course, it is a truism that taxation should bear equally upon all classes of property. It is further legitimate to impose the proper burdens

upon corporations deriving valuable franchises from the State, and for licenses and other grants for special privileges. It will be important to note the sources of revenue to the State. For the last year they were as follows:

Lands, .....	\$5,605 47
Tax on corporation stock and limited partnerships, .....	1,675,388 80
Tax on gross receipts, .....	658,670 91
Tax on coal companies, .....	90,703 86
Tax on bank stock, .....	350,171 59
Tax on net earnings or income, .....	74,265 15
Tax on gross premiums, .....	32,057 86
Tax on loans, .....	686,790 38
Tax on personal property, .....	437,776 61
Tax on writs, wills, deeds, etc., .....	109,104 28
Tax on collateral inheritances, .....	476,852 02
Tax on sale of fertilizers, .....	3,780 00
Foreign insurance companies, .....	234,939 10
Tavern licenses, .....	493,862 32
Retailers' licenses, .....	305,934 92
Eating-house licenses, .....	79,632 26
Brewers' licenses, .....	9,188 42
Billiard licenses, .....	16,534 60
Brokers' licenses, .....	9,886 34
Auctioneers' licenses, .....	6,538 04
Liquor licenses, .....	36,076 50
Peddlers' licenses, .....	1,766 10
Patent medicine licenses, .....	4,503 20
Theatre, circus licenses., etc., .....	6,040 80
Bouns on charters, .....	130,991 91
Office license fees, .....	10,480 99
Accrued interest, .....	50,336 39
Penalties, .....	578 17
Pamphlet laws, .....	275 41
Notaries public commissiones, .....	10,275 00
United States Government, .....	94,561 15

Commutation of tonnage tax, .....	460,000 00
Annuity for right of way, .....	10,000 00
Escheates, .....	3,073 87
Fees of public officers, .....	50,472 99
Refunded cash, .....	697 57
Dividends on stock owned by the Commonwealth, .....	80 00
Conscience money, .....	16 00
Miscellaneous, .....	1,551 27
	<hr/>
	\$7,068,529 66
	<hr/> <hr/>

The total expenditures for the same time were \$5,024,766.41.

Of this aggregate, more than four millions were derived from taxes on corporations. The only item which, in any true sense, is a direct tax on the people, is that of \$437,776.64, "tax on personal property." This tax is derived from money at interest, watches, and carriages. If it is desirable to retain the taxes on the national banks, which yield the State nearly three hundred and fifty thousand dollars annually, this "tax on personal property" cannot be abolished, as the acts of Congress, creating the national banks, forbid their being subject to any greater tax than is imposed upon "other moneyed capital" in the State. There is no tax for State purposes on real estate. Except certain corporate bonds and stocks, and the road beds and shops and mechanical devices of railroads, all property in the State is liable to local taxes, for city, county, school, poor, and road purposes. The laws for their levy and collection are substantially uniform, sufficiently understood by the people, and their full execution depends on the fidelity and nerve of the local officer and the temper of the taxpayers. In this distribution of burthens between the State and the local subdivisions, I am aware of no instance

in which any community or interest suffers any relative injustice, although indefinite claims are made to that effect. I cannot conceive how "horizontal equality" of taxation is to be secured except by details so minute, inquisitorial, and vexatious, as to be distasteful to the people, inefficacious, and out of all proportion to the results accomplished. If all the taxes of all the people, for all purposes in the whole State, were accumulated into the State Treasury, no scheme of redistribution can be devised which could reach the growing needs, the conflicting claims, and changing equities of different localities. It will be a dangerous departure from the habits and customs of the people to destroy the autonomy of local government in the municipal subdivisions. That in the single case of the public schools, the State takes out of its treasury and hands, (not back, but,) to the school districts, one million dollars annually, and has so fixed it unalterably in the Constitution, is to testify its determination that there shall be no shortcomings in duty to an interest, vital to the districts and the State as a whole. There are no serious mischiefs in the system to correct, and no violent remedies need to be applied. Adjustments and adaptations will be suggested by experience from time to time. This is the theory upon which the revenue bills, to be submitted to you by the commission, provided for in 1881, have been constructed.

There is, however, a safe and practicable scheme by which there might now be a partial redistribution of the burthens of taxation. Under the present and prospective revenues of the State, larger sums go annually into the Sinking Fund than can be avaiably used. There are required from it, the interest on the State debt and the extinguishment each year of at least two hundred and fifty thousand dollars of the principal of the public debt, according to the provi-

sions of the Constitution. Under existing statutes the fund is swelled by taxes largely in excess of these demands. Opinions differ as to the greater or less rapidity with which the State debt ought to be paid off. We have no debt maturing until 1892, except an annual amount of two hundred and fifty thousand dollars. If the money in the Sinking Fund is to be employed in buying the bonds of the United States or this State to any greater extent, it can only be done now by going into the open market and purchasing them at the large premiums referred to. I would recommend, therefore, a diversion of funds which come into the State Treasury from the Sinking Fund to the general fund, except only the sums demanded for payment of interest and the Constitutional requirement as to principal, together with such additional reserve as prudence and the contemplation of further moderate reduction of the debt might indicate. After subserving all these purposes the State Treasury would still, if estimated revenues held out, be in such a position of strength as to dispense with the taxes derived from some or all of the following sources: Tavern licenses, retailers' licenses, eating-house licenses, and billiard licenses. The revenue derived from these licenses, which now goes into the State Treasury, could be left in the treasuries of the various counties whence it comes, and would, to that extent, relieve the people from local taxes for the support of their courts, and for other county purposes. I am persuaded that the finances of the State will, without inconvenience, permit these taxes to be diverted from the State Treasury to the treasuries of the respective counties.

#### PUBLIC SCHOOLS.

The reports of Dr. E. E. Higbee, Superintendent of Public Instruction, deal in a full, clear, and satisfactory manner, with our great system of common schools.



You will find much gratification in his official presentation of the magnitude and progress of the work in this Department. It may stimulate our confidence and our pride in the system to glance at some of the statistics which it presents:

The annual expenditures of all kinds were \$8,263,-244.54. The value of school property is \$28,346,560.

Appropriation by the State to the com-

mon schools, .....	\$1,000,000 00
Normal schools, .....	82,000 00
Soldiers' Orphan schools, .....	381,764 15
	<hr/>
	\$1,463,764 15
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The number of school directors is fifteen thousand; there are nearly twenty-two thousand teachers, and the number of pupils enrolled is nine hundred and fifty thousand. To these extensive agencies, we may add the numerous academies, colleges, and universities, which are supported by voluntary contributions and private patronage, in which other thousands of young men and women are making preparation for the various callings and professions of our social life.

As the Superintendent well says: "This work is going on without pomp or glitter, in the small houses that dot our hills and valleys, unseen and unheeded by the gadding world; yet it is felt at every hearthstone of the Commonwealth, and holds quiet possession of the home-hearts of our communities, and, if rightly directed and sanctified by the truth, its benison there must be its best recognition and reward."

It is happily made to appear that the common school and high school, provided for by State and local taxation, are intended, in no sense, to exclude or come into antagonism with the academic culture provided by the voluntary educational tendencies of the people. The State compels a certain amount of elementary train-

ing, and, in the flexibility of the system, permits school directors to carry their high schools to any grade of scholarship demanded, or assented to, by their local taxpayers. They are, in these regards, entirely in the discretion of the people of the several districts. Upon this basis, extensions of the work are to be made by private enterprise. But nowhere are these agencies in conflict. The bond of connection between them, while not a legal one, is a vital one, and comes through the popular impulse towards education. The estate of learning throughout the whole Commonwealth thus comes to have organic wholeness, and to be pervaded by one common life.

I concur in the recommendation of the superintendent that the minimum time during which the public schools should be open each year, should be enlarged to six months; as also, that the appropriation made by the State to each district should be distributed on the basis of the average number of children in attendance, rather than on the basis of taxables in the respective districts, as is now the law.

The State Normal Schools will doubtless be constrained to present their condition and their claims to the Legislature. Some of them are badly involved in debt, and others, which have contracted no serious indebtedness, are without adequate equipment. These schools are an important and valuable part of the educational work of the State. During the past four years the appropriations to these schools, by the State, have been distributed to them on the apparent equity of each case. The payments thus made have not been absolute, but for their amounts, liens have been taken, in favor of the State, against the property of the schools. I think this policy should be continued until all the schools are relieved of any indebtedness, not improvidently contracted, and their equipment fairly equalized. In that event, these normal schools should

be brought, to a greater extent, under the control of the State. Thereafter they should be self-sustaining, and not expect that the State should come to their aid, indefinitely.

The Soldiers' Orphans' Schools are now, by law, under the superintendency of the Department of Public Instruction. The reports show them in a healthy condition, physically, intellectually, and morally. There are now two thousand nine hundred and sixty-three children in these schools. By existing law it is provided that they shall be finally closed on June 1, 1885. It is estimated that, at that date, there will be on their rolls, seventeen hundred and seventy children. Whatever action this, or future General Assemblies may take in enlarging the classes who may receive this form of the State bounty, some provision ought now to be made for the children who will be actually in the charge of the State in 1885. It can scarcely be contemplated that they are to be dismissed summarily without homes or help, and the schools closed abruptly. Such response to the grateful and humane instincts which inspired this magnificent form of the State's beneficence, would make its ending unworthy of the years of effort and expenditure which have been so grandly sustained, without regret, by the people.

#### INDUSTRIAL REFORMATORY AT HUNTINGDON.

By an act of the General Assembly, approved on the 8th day of June, 1881, it was directed that a State Industrial Reformatory should be constructed and erected on the property of the State at Huntingdon, and which had been purchased for the purpose of a penitentiary.

In carrying out the terms of this act, a Board of Commissioners has been appointed, which has determined upon and adopted suitable plans for the neces-

sary buildings, and has made contracts for some of them. When completed, they will embrace about ten acres of the premises enclosed by a guard wall, four wards for the dormitories for five hundred inmates, chapel, school-rooms, and the various buildings and structures in which different industrial and mechanical pursuits are to be carried on. Of these, the foundations of the walls have been laid. The exterior walls of one ward and one school-building have been nearly completed. The water supply and the main culverts draining the premises into the Juniata river have been provided. All this work is of the most complete description, and has been faithfully and honestly done.

The details of the plans have been adopted in view of the special uses of the Reformatory. They have been agreed upon, after the most thorough examination of the whole subject, both by the commissioners and their architects, and have been the results of visits to like institutions in other States. I am persuaded they embody the latest and wisest experience in its relation to the scheme. The statute referred to enacts, that when completed, "the board of managers shall receive and take into said reformatory all male criminals between the ages of fifteen and twenty-five, and not known to have been previously sentenced to a penitentiary or State prison in this or any other State, who shall be legally sentenced to said reformatory on conviction of any criminal offense in any court having jurisdiction thereof." "The said industrial reformatory shall be constructed to accommodate at least five hundred prisoners, and in such a way as to admit of their classification and their instruction and employment at useful labor." This instruction will include mental, moral, and industrial education, which, combined in an orderly and systematic course, underlies the whole theory. I deem it unnecessary to urge

again the views upon this subject embraced in my biennial message of 1881. Their soundness and practicability have, since that date, been strongly justified by further examination, and by practical experience which reaches us from many other States and countries.

No serious doubt has been suggested affecting, unfavorably, the value of the undertaking. The act itself was passed upon the unanimous report of a joint committee of the Senate and House of Representatives at the last session; and it secured the cordial endorsement of both Houses. The construction and maintenance of such an institution may be regarded as part of the settled policy of the State. The details of the work, done and contemplated, will more fully appear in the report of the commission submitted to you. It is the only public building now being erected by the State. The Eastern and Western Penitentiaries will, upon its completion, be largely relieved of inmates who are now crowding their capacity. It will be a wise and true economy to provide for the complete erection and equipment of this institution, and to make the necessary appropriations therefor—not for present expenditure—but to be applied to buildings, the designs of which must now be settled upon; the uses of which are to be now contemplated, and the parts of which are to be treated, at last, as a whole, with a unified purpose running through it. The commission in charge of the undertaking have been so unwearied in their efforts to carry out the expressed intent of the Legislature, and so devoted to its successful accomplishment, that in very virtue of their wise and faithful management hitherto, their recommendations will attract your approval.

## PENITENTIARIES.

There are two penitentiaries in the State—one in Allegheny and one in Philadelphia. The Western Penitentiary has been in process of rebuilding for several years, at a cost of several hundred thousand dollars. The course of treatment pursued there is that known as the congregate system. Its official direction is complete and satisfactory, and upon its entire re-organization in its new buildings, it may safely be committed to the continued supervision of its present management.

The Eastern Penitentiary has reached about its limit of cell capacity. It is conducted on the separate confinement or individual treatment system. It has not met with the uniform approval of those who claim to be specialists in this branch of political economy, and social science congresses occasionally assume to condemn its mode of dealing with its inmates. It has, for more than fifty years, held consistently to the statute creating it. Much as the system has been controverted, I deem it just, as one who has given some attention to this subject, to say, that for convicts who have deliberately joined the criminal class—for those whose age or repeated conviction render them amenable to punitive rather than reformatory methods—and for those against whose violent passions or confirmed habits society can find no protection but in incarceration, the separate system affords the most complete opportunities of treatment, and yields the best attainable results. There is no occasion to enter into the controversy which has long been carried on between the advocates of the congregate and the separate systems of prison discipline. But to the Hon. Richard Vaux, who for forty years has continuously exercised the office of inspector, and to his associates, is due the credit of demonstrating that the system of "solitary confinement," as practiced in the Eastern

Penitentiary, is not only not a reproach to the civilization of Pennsylvania, but that as a penitentiary, and for certain classes of criminals, it is as wise, as humane, and as effective as any yet devised.

In neither of the penitentiaries in this State has there ever been an attempt yet made to administer them on the vulgar, wicked, unworthy consideration of making them self-sustaining. In neither of them, has it been forgotten that even the convict is a human being, and that his body and soul are not so the property of the State, that both may be crushed out in the effort to re-imburse the State the cost of his scanty food, and at the end of his term, what then is left of him, be dismissed, an enemy of human society.

#### REFORM SCHOOLS.

There are two institutions in the State for the reform of juvenile offenders—the State Reform School at Morganza, Washington county, and the House of Refuge at Philadelphia. The latter is a private corporation, to which the State gives financial aid and official inspection, but in which it has no administrative control. It is fulfilling the purpose of its erection with substantial success.

The Reform School at Morganza was originally a local institution, but its property and its control are now in the hands of the State. The property consists of a valuable farm of several hundred acres, in a high state of cultivation, well constructed brick buildings, containing family rooms, dormitories, and work-shops, capable of accommodating about five hundred boys and girls. In addition to labor on the farm, employment is given on the premises in many forms of trades industry. Schools are open daily for all the inmates. The discipline was found to be firm and parental. It is a pleasure to assure you, that after making, in company with a number of gentlemen qualified to judge,

an official inspection of similar institutions in several of the States, which had received judicious approval from persons familiar with the appliances needed in such schools, we found our own school at Morganza easily and decidedly the superior in discipline, comfort, and efficiency, to any we had seen. The directors and superintendent of this institution deserve commendation for restoring it to a condition of the greatest usefulness.

#### STATE CHARITIES.

The State has in operation five hospitals for the care of the insane—at Norristown, Harrisburg, Danville, Warren, and Dixmont. The latter is not strictly a State institution, but receives liberal aid from the State. In them are accommodations for nearly four thousand patients. The buildings have cost several millions of dollars, and are constructed in view of the largest experience. In all of them, certain sums are required of the State for annual maintenance. For the indigent insane, the proper county or poor district re-imbuers a certain portion of the expense. In general, the State receives in return something more than half the cost of support. Some of the hospitals are overcrowded, others have a paucity of inmates disproportioned to their capacity for treatment. It is evident that the State has made a much broader provision for this class than will be actually required in many years. The Board of Public Charities have been, year after year, laying their reports, minute and careful in their facts and recommendations, before the Legislature, but they have received no adequate attention. No criticism is intended of the management of any one of these institutions. Still it is admitted that in so vast a scheme of charity, there is a want of system and unity in administration which needs legislative action. There ought to be uniform charges made



against township and county authorities by all the hospitals, to prevent what the board justly call "a pernicious spirit of rivalry and underbidding, ending in lowering the standard of institutional care, and finally bringing it down to the level of ordinary almshouse." Provisions should be made for transferring patients from the overcrowded institutions, and, if need be, the whole system of "districts" broken up. Above all, the Legislature should hit upon some general principle upon which appropriations are to be made to them for maintenance. Otherwise, the undue urgency of some one institution, or the combined ingenuity and persistence of all together, may lead either to an inequitable distribution of your bounty, on the one hand, or an utterly extravagant one, on the other. Such a uniform rule it will not be hard to discover.

As there is, at disposal of the Board of Public Charities, no fund with which to carry their inquiries beyond the range of State institutions, I requested a commission of gentlemen, experts in medicine, law, and technical treatment and management, who proposed to do so at their own expense, "to examine into the present systems, and inquire into the legislation and experience of other States and countries, and to make report of their investigations, conclusions and recommendations, for the further protection of the insane." These investigations extended to "the care, mode of introduction into public and private asylums, general scope of treatment, mode of supervision, and release." Their report, in the form of "a bill," I transmit to you. It has involved a vast amount of research, labor and expense, which the gentlemen of the commission have voluntarily undergone. It is accompanied with a transcript of the laws of every State and territory of the Union, and with translations of the French and German laws. The English laws have

been fully studied. The information which has thus been gained, and by great familiarity with institutions for the insane in many of the States of Europe, has been availed of, in order to give excellence to the scheme of legislation on this question. I commend it to you as legislation suited to the civilization under which we live.

In 1879, the Legislature directed the erection of a State hospital for injured persons of the anthracite coal region, for the counties of Schuylkill, Carbon, Northumberland, Columbia, and Dauphin. This institution is now completed. The buildings are well arranged, the site is an eligible one, and the purposes of the act seem likely to be successfully reached. The trustees took possession of the premises in April last. Deeming it important that the hospital should be promptly opened, and the buildings being unprovided with the necessary furniture and appliances, they have advanced the funds required. In the situation of affairs, then, this was a discreet and judicious exercise of their functions, and its propriety will be recognized. In the incomplete condition of the hospital grounds, further appropriations must be made in this behalf.

Besides these State institutions, very liberal appropriations have been made in the interests of the defective classes in institutions not under State control. These are pure charities, and have, in the main, been made on the basis of the number of the wards which the State has placed in them. In this work, the State has only undertaken to supplement work of private charity and benevolence. These institutions are the "Pennsylvania Working Home for Blind Men," the "Pennsylvania Institution for Instruction of Blind," both in Philadelphia; "Training School for Feeble-Minded Children," at Media—one of the most interesting and beneficent of all the charities in the State; "Pennsylvania Institution for Instruction of Deaf and

Dumb," at Philadelphia; "Western Pennsylvania Institution for Instruction of Deaf and Dumb," at Pittsburgh. At the best, the State undertakes to provide for only a very insignificant proportion of our fellow-citizens stricken with these disabilities. It will scarcely occur to us that any consideration should weaken the humane impulses under which we have hitherto lent aid to cheerless lives. Some thousands of dollars were, also, appropriated to purely private hospitals, in which were no State patients, in the different cities of the State—Pittsburgh, Williamsport, Wilkes-Barre, Scranton, York, and Harrisburg.

#### PUBLIC BOARDS.

Among the most important agencies of the State is the Board of Public Charities. It is their duty, at all times, to look into and examine the condition of all charitable, reformatory, or correctional institutions within the State, financially and otherwise, to inquire and examine into their methods of instruction, the government and management of their inmates, the official conduct of trustees, directors, and other officers and employes of the same, the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management. They are the eyes and ears of the people who, themselves, rarely venture into forbidding precincts or behind prison bolts. These are very important functions. They are to be performed without pay. So far as possible with the means placed at their disposal, they have been done with a full measure of diligence, thoroughness, and intelligence. This is evidenced by their reports, from time to time, laid before you. At the last session of Congress an act was passed levying a tax of fifty cents for each person not a citizen of the United States, who shall come from any foreign port to any

port within the United States. The money thus collected constitutes a fund, to be used under the direction of the Secretary of the Treasury, in defraying the expenses of the relief of immigrants arriving in distress, and provides for the maintenance of any lunatic, pauper, or other person unable to take care of himself without becoming a public charge. The act also provides that all foreign convicts, except those charged with political offenses, shall, upon arrival, be sent back to the nation to which they belong. At my recommendation, the State Board of Charities was designated by the Secretary of the Treasury to execute the provisions of the act. Valuable relief will come to our prisons and alms-houses by an effective discharge of this duty.

The State Board of Agriculture is quietly doing a work which might deservedly attract more public interest and attention. It is a medium through which much information important to the farmer, the fruit-grower, and the stock raiser can be disseminated. As there has been occasion to say before, the papers read before its meetings are worthy of a permanent record, and some means for wider and more appropriate distribution should be devised.

The agent appointed to execute the act of May 1, 1879, "to prevent the spread of contagious or infectious pleuro-pneumonia among cattle in this State," has effectually eradicated the disease in the State, and at a much less expense than a like work has been done, in any of the neighboring States.

The Board of Commissioners of the Second Geological Survey make report of their work and their estimates for the future. The unfinished survey is mainly confined to the anthracite coal region. Reasons are assigned for the delay and increased cost of this portion of the work, and the letter press and maps illustrating it. They say: "But such work cannot be

done within the time nor for the money named in our former estimate. It will require at least three more years and fifty thousand dollars. Whether the Legislature will be willing to expend that amount for the benefit of an interest the most important in the State—in fact, the most important of the kind in the known world, and which has contributed to the State Treasury, directly and indirectly, millions of dollars in taxation—is not for this Board to say. If not, the work will be wound up as well as possible, leaving about two-thirds of the anthracite region unsurveyed.” When it is reflected that the commercial results of this survey have been to bring into this State millions upon millions of money for investment in anthracite and bituminous coals, iron-ore, and other minerals and in related railroad and transportation enterprises, and that this effect came from confidence in the scientific accuracy of the work of this Board, I trust you will see reasons to provide for the completion of this great and interesting undertaking.

Thus, gentlemen, you have, at a single view, a history, in its entirety, of the educational, penal, charitable, economical work carried on by the State.

To this work was appropriated, by the Legislature in 1881, for annual expenditure, sums as follows:

Educational, .....	\$1,463,764	15
Penal, .....	367,198	75
Charitable, .....	681,654	35
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	\$2,512,617	25
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With the exception of the legislative, executive, and judicial departments, and the interest on the public debt, these institutions embrace all the principal objects upon which the money of the State is expended.

The future prosecution of this work is so exclusively in the control of your own judgment and wisdom, that

it becomes me to offer no further suggestions. Large sums of money are disbursed annually in these interests. It is done by boards of trustees and inspectors appointed from the body of our fellow citizens, and rigorously free from partisan politics. They steadily give their time, their skill, and their experience to these public trusts, and that without compensation. Within my knowledge, there has not, in all of them, been a dollar of public money misappropriated or lost by misconduct or improvidence. It is an exhibition of rectitude and fidelity to the common weal which should stir us to a proud and cheerful acknowledgment. The whole record of these various boards and administrative heads is without blemish, and their absolute integrity is unquestioned and unquestionable. I desire to thank them for the frankness and courtesy with which they have accepted official visitations, and replied to official inquiries.

#### LIFE INSURANCE.

The magnitude of this interest may be estimated by the fact that in the years 1880 and 1881 the regular life companies of this and other States authorized to do business in Pennsylvania received premiums from their business in this State amounting to \$10,483,826. Of this sum, \$3,025,109 was received by companies of this State, and \$7,358,696 by companies of other States, upon which last-named sum a tax amounting to \$221,768.88 was paid into the State treasury for the privilege of doing business in this Commonwealth.

During the same years companies organized under the laws of this State to insure lives upon the assessment plan, received, in premiums and assessments, the sum of \$5,500,989, upon which no tax was paid to the State; and paid for death claims the sum of \$2,959,302. The balance of \$2,541,687 was appropriated by these companies to agents, officers, and expenses.

Most of these companies engaged, without warrant of law, in business of a purely speculative character, and entire communities were demoralized by their nefarious operations. The evil attained such magnitude that it was found necessary to institute legal proceedings for their suppression, which has been happily accomplished through the instrumentality of the proper authorities. It is to be hoped that this impressive lesson will not be lost or forgotten, and that it will in the future deter the public from placing their trust in methods of life insurance, or specious substitutes therefor, which are without solid foundation in morals or mathematics.

The act of 1873, establishing an Insurance Department, prescribes a standard of solvency without conformity to which no regular life company is permitted to do business in Pennsylvania. This standard is one universally recognized wherever life insurance is treated as a science, and is absolutely exact, inasmuch as it compels each company to have assets equal to its present and future liabilities. Without such computation of future liabilities, and the possession of present assets, life insurance is based upon nothing actual or tangible, but becomes a mere venture or experiment. What is known as co-operative insurance, more commonly as grave-yard insurance, is not, in fact, worthy of the name. In many instances it may operate as a beneficial society, and when honestly conducted worthily answer present and pressing emergencies; but as a system of insurance it is without substance or stable foundation, and may degenerate into mere speculation, or fall to pieces at any moment. Without cohesive power other than the voluntary action of members, companies conducting business upon this plan may dissolve without much warning, and entail loss and disappointment upon hundreds confiding in them for the future maintenance of themselves and their families.

These co-operative insurance companies claim a warrant for corporate existence under section thirty-seven, act of May 1, 1876, being a supplement to the act of 1873, "to establish an insurance department." Justice to the good name of the State, and protection to the people, demand that the recommendations of the insurance commissioner in this behalf should be acted upon. The firmness and intelligence which have marked Mr. Forster's administration of that responsible office are worthy of all praise.

#### THE NATIONAL GUARD.

As now constituted, the National Guard is composed of a single division, three brigades, fifteen regiments, three companies of cavalry, three batteries of artillery, the battalion State Fencibles, and two Independent companies, aggregating eight thousand two hundred and twenty officers and enlisted men. They are distributed through the State in such number and in such localities as seemed likely best to subserve any duty to which they might be assigned. The guard is well equipped, and armed in an approved manner. The mobility and efficiency of the whole command has been well attested, both in camp and in route, on more than one occasion. The quartermaster and commissary departments have been fully proved in their capacity to furnish prompt and economical supplies.

There is a great degree of pride in the organization on the part of officers and men. They are citizens of the State, and it is no overstatement to say that they are among the best of our citizens. They have had a common motive to reach the great excellence they have now attained. They have spent months and years in devotion to their respective corps, for which they never have and never will receive any compensation, except the consciousness of a public duty well done on their part.



It is scarcely conceivable that in a State, great and prosperous as is Pennsylvania, with interests and property of such magnitude, any lawful means of protection, under the forms of law, should be overlooked or refused: with brave and chivalrous instincts in her children, which can best take form in military duty, it is inconceivable, I think, that such a State should dispense with her citizen soldiery. The fact that the National Guard has an actual existence will always prove to be among the best of reasons why it will not be called into actual use; and if it is to be maintained at all, every motive of pride, economy, and usefulness dictates the highest state of efficiency. To-day it is probably as compact, as harmonious, and as highly disciplined a body of men as mere volunteer soldiery is every likely to submit itself to be moulded into.

No legislation is required in reference to this subject. No voice of protest has come up from the people indicating any dissatisfaction with the Guard itself, or an earnest desire to dispense with it, in the absence of a well-tested substitute. Its continuance, under such conditions as will enable it to hold its own present state of usefulness and efficiency, as well as the confidence of the public, seems desirable in all points of view.

#### REMAINS OF WILLIAM PENN.

By joint resolution of the Senate and House of Representatives, on the sixteenth day of May, 1881, the Governor was requested to communicate with the trustees having in charge the grave-yard of Jordan's meeting-house, in Buckinghamshire, England, and with the representatives-at-law of William Penn, with a view to the disinterment and transfer of the remains of William Penn to the city of Philadelphia, for public re-interment in that city.

Before any official action was taken under this resolution, and acting on public rumor, the trustees of Jordan burying-ground notified me that they had practically concluded the matter by refusing to accede to the wishes of the Legislature. While the purpose embodied in the resolution was not approved by all who assumed to express an opinion touching it, the duty of the Governor was defined by its terms. To avoid delay and a tedious correspondence, it was determined to send a personal representative of the Executive to the parties in interest. Mr. George L. Harrison, a public-spirited and judicious citizen of Philadelphia, consented, on solicitation, to convey the message of the people of Pennsylvania, embodied in the action of the General Assembly. With the added sanction and co-operation of the President of the United States, through the Secretary of State, he visited England in person, at his own expense, and sought, by well-directed negotiations, to carry out the objects expressed in the joint resolution. His application was finally denied.

He has, without cost to the State, made a printed report of his mission. Mr. Harrison well and faithfully sought a successful issue of the undertaking. His presentation of the motives which might fairly dictate the proposed removal of the remains of William Penn to the soil of Pennsylvania, upon which he illustrated the greatest and best work of his life, is worthy of record, and really affords a satisfactory justification of the action of the Legislature. His own conduct, in the peculiar nature of his negotiations, was intelligent, courteous, and zealous, and he has omitted no appeal suggested by patriotism, sentiment or logic. There must be general regret that the people of the State have failed in an affair which deserved success.

## BOARD OF PARDONS.

Herewith, will be submitted a list of the pardons recommended and granted during the last four years, together with the reasons in each case. The whole number of pardons issued in that time was one hundred and sixty-eight, arising out of one hundred and forty-nine cases. The number of convicts in our jails and penitentiaries is about five thousand—which number represents the constant population in penal institutions, under conviction. It is a testimony to what I conceive to be the fidelity of the Board of Pardons, that the applications before them have steadily decreased, year after year, being one hundred and sixty-five in 1879, one hundred and thirty-seven in 1880, one hundred and twenty-five in 1881, and one hundred in 1882. A pardon is an act of mercy, and mere grace, in most cases, and is not to be judged by the rules of exact justice. If it were an act of pure right in favor of the applicant, it would cease to be a pardon. There are many avenues by which the Board may be rightly approached in seeking the exercise of clemency—justice, mis-trial, sufficiency of punishment, sympathy, the sufferings of an innocent family, and numerous other considerations. As the Governor is not a member of the Board, and does not hear the presentation of the cases, I have, in the absence of reasons to suppose some imposition practiced, been in the habit of taking the recommendations of the Board, having confidence in their regard for the public welfare, as well as in their sensibilities—in their integrity, as well as in their humanity.

## ADDITIONAL RECOMMENDATIONS.

It is unlikely, that in our day and generation, any essentially new idea will be introduced into the government of the Commonwealth. Its great principles have been settled in the course of Anglo Saxon history.

They are irreparably secured in our Constitution—our individual and social rights and duties are therein wisely defined. From time to time inequalities and excesses will arise, but they will be readily subordinated to the common welfare. These are but questions of detail. Some of them I suggest for your consideration.

The Constitution requires that the General Assembly, at its first session or as soon as may be, shall pass such laws as may be necessary to carry the same into full force and effect. No legislation has, as yet, been had, giving effect to section twelve article XVI, in reference to the consolidation of telegraph lines; nor to section seven article XVII in reference to discrimination in charges or facilities for transportation between transportation companies and individuals.

Some amendments might judiciously be made to the general corporation act of 1874: more specifically, denying exclusive rights to corporations for furnishing light and heat to the public by means of natural gas or electricity. The former is a natural product, and the market for it should not be restricted to a single purchaser. The use of the latter does not seem to have been contemplated in framing the act of 1874.

The legislation appropriate to municipal government, especially in cities of the first and second class, will early engage your attention.

It cannot be disguised, that this subject is rendered difficult by the manifold complexity which characterizes the communal life of a great city. The attempt to secure the life, property, health, and general well-being of hundreds of thousands of individuals, by means of a single municipal organization, tends, of itself, to provoke colliding forces, and its successful accomplishment requires the accommodation of interests of greatest moment. But you will not approach its solution without a substantial ground-work, already laid out

for you. The Report of the Municipal Commission, made in 1877, is among your records, and contains a full and complete collation of facts, well digested, and supported by opinions and experience derived from the widest scope of inquiry. The results of their investigation have been embodied in a bill reported by the Commission. The attention of the Legislature has been frequently called to this topic, both by my immediate predecessor and myself, and, at last, it seems imminent that some action must be taken touching this great problem. It will require patient and judicious proceedings, but its successful resolution will mark a distinctive advance in our social progress; it will quiet the fears which anxious publicists have, that a great city—the nursery in the past of freemen—cannot be reduced to conformity to the law of political growth. Surely, such a solution ought not to be beyond the range of practical representatives of a practical people.

The evil and disgrace attending upon the presence of several thousand children, under six years of age, in the alms-houses of the State call for speedy correction. This matter has been presented heretofore in messages and special reports. The subject of licensing the sale of intoxicating liquors will be urgently presented to you. The wide-spread introduction of adulterated food upon the market, deserves sweeping condemnation by legislative enactment. Other topics of this nature will come up for your action, but I am glad to think they are few in number; and that with the passage of the Legislative, Judicial, and Congressional apportionment bills, you will find little need to extend the body of our statute law.

#### CONCLUSION.

Having thus reviewed the various interests of the State sufficiently, at least, to indicate their importance

and to vindicate their management, I shall say no more of the past. The entire conduct of my administration awaits your scrutiny.

But the political situation which exists to-day is so different from that of four years ago, that I cannot forbear some words of comment. National questions then alone absorbed men's minds. The war was not yet over; at least, the acquiescence in its results, on the part of many, seemed grudging and reluctant. At the same time, business was everywhere in a state of stagnation, so pervading and sorrowful, as to be difficult of recall even in memory. Financial theories, promising relief, but thwarting hope and tending to certain confusion and ruin, were boldly projected upon the people. I had occasion to say then: "henceforth we are to produce and exchange actual things, and not gamble in merely fictitious values." We had then as we can have now, no reliance except "the virtues of labor and economy." Within a year from my inauguration, (chronologically, but in no relation of cause and effect,) the fires of industry were lighted among our mountains and along our rivers; the whole State began to resound with the stir of a busy people, and, in the midst of renewed activity, the schemes of financial necromancers dissolved away. With the election of 1880 the issues of the war were permanently settled—acquiescence in the new state of things became complete. We were again one people, having one flag, as we have one speech, conscious at last of the unity of our national life and destiny. In the natural order of things, one would think the organized ideas, in loyalty to which the country was safely conducted through two such crises as we have encountered since 1860, could look for an almost uninterrupted dominance in the public mind. Had the voters of Pennsylvania been called upon to pass judgment upon the old questions of principle, or even upon the opposing

parties in their entirety, there is not the least reason to doubt that they would have re-asserted their old convictions with even greater emphasis than before. But party leaders, like other men, must adapt themselves to existing conditions, or be annihilated by them. Principles never perish, but administrations and legislatures must never forget that "a breath can make them, as a breath has made."

In Pennsylvania the people have determined upon a change. What does this decision mean? To this question three answers are proposed: one cynical and desperate, another pessimistic and hopeless, and a third patriotic and re-assuring.

The first expresses the feeling and wishes of the professional politician. To him the change is only a turn in the fortunes of a game, whereby he has lost or won the stakes for which he played—the spoils of place and power. Accustomed to watch his luck and "hedge" as often as he can and dare, he is perplexed by one of two problems only: how to retrieve his losses, or how to spend his winnings. The prevalence of his view is not at all surprising. This class of statesmen despise the people whom they would cajole, and rely for their success even more upon the apathy of the pure and the intelligent, than upon the activity of the selfish and unscrupulous.

The second view regards the recent overturn as a mere caprice of mobile voters, a public spasm, a sentimental convulsion. It is based, wittingly or unwittingly, upon a latent distrust of the people; it imports a low view of American manhood, and a secret, but ill-disguised, disbelief in our capacity for self government. If it be, indeed, well-grounded, then there is little hope for the perpetuity of our institutions, and for that magnificent industrial and political development which is the staple of our noblest day-dreams.

But the third view is more hopeful and patriotic. According to it, this change marks the beginning of a new epoch in our political life. Those who cherish it, argue that thousands of our best citizens, relieved of the pressure of national anxieties, and unwilling to live forever in the past, are beginning to study the nature and details of State and municipal government as never before; are awaking to the business and scientific character of political problems, and have determined to thrust aside every individual, and every contrivance, that stands between them and the management of their own affairs. They will no longer be content with the automatic activity in politics; they demand a conscious share in this noblest pursuit of intelligent men. The people have come to claim their own, without the intervention of middlemen.

If this view be correct, then the occupation of the professional politician is gone. He belongs to a doomed species; he has outlived the only environment adapted to his nourishment, and must shortly pass away. That this is true, is indicated by our lineage, our traditions, and the character of our recent progress. We are the descendants of men who defied kings and parliaments; we are the children of men who destroyed the congressional caucus, and created the national convention. Our citizens are meeting in their granges and trades-unions, in their industrial leagues and commercial guilds, and are becoming keenly alive to the every-day bearings of politics upon their own and their children's welfare. Even the primary meeting, once treated as utterly beyond the pale of law, the sport of the juggler and the rogue, has become the subject of legislative enactment and protection. Nay more, even the promises of party platforms conform to the quickened senses of the people, and the necessity of other and better methods has received a certain grave and reverential recognition in party deliverances.



But Rome was not built in a day, nor can the political habits of a half century be transformed by a single decree, even though registered at the ballot-box. If, therefore, condemned political methods are to become permanently disreputable, the thoughtful citizens of this Commonwealth must be ever on the alert, ready at any moment to re-assert their strength, and to claim the fruits of their own victory.

Politicians are willing enough in the day of the people's power. But the leaders of a new epoch must be something more than mere reflectors of current thought and feeling. They must be sagacious and intrepid, more ready to serve the people than themselves. Such leaders can live only in an atmosphere of intelligence and civic courage. The people then must be prompt and generous in the support of real merit; but at the same time they must make every public servant understand that he is a servant and not a master, and that each and all, the highest and the lowest, whether paid by the year or paid by the day, must render faithful and unremitting service.

The people must tolerate no spurious economies, no counterfeit reforms, no mere partisan strategies, no judicial perversions, no legislative excesses, no administration in the interest of persons or classes, or even in the exclusive interest of parties. They must be quick to discern, swift to censure what is clearly wrong, and equally swift to praise what is clearly right. They must make the men in power feel that the eyes of thousands are upon them, and that the day of judgment is always going on. But above all, they must never suffer the conviction to take root that the recent changes were only freaks of circumstances—only spasms of an unstable public mind—only the caprices of irritated and transient feeling.

The Titans will never conquer the Gods if the Gods awake to the combat; the baser forces of society can

never permanently overmaster the purer, if the purer will only add to their convictions, courage—if their will power once becomes as active as their intelligence. The enemies of good government will not be idle. Never so very numerous, they multiply themselves indefinitely by their unceasing diligence. Their baleful influence can only be counteracted by a vigilance, an energy, an ingenuity, in some proportion to their own.

For one, I have faith in the conscience, and in the growing intelligence of our Commonwealth, and in its ability to cope with and overcome the evils which have hitherto and may hereafter beset us. To despair of the virtue of the citizen is to despair of self-government, and to despair of self-government is to believe that the frame of human society is without a soul.

We are beginning the third century of our existence as a State. The reminiscences of the hour are well adapted to stir within us reflections upon the possibilities of organized society, the secret of right government, and the duties of the free citizen in the free State. But thoughts without resolution have a sickly hue. Sonorous phrases count for nothing alongside of quiet deeds. Patient participation in public affairs will do more to redeem politics from the spoiler than the sublimest political philosophy, and the intensest sentiment, if never embodied in action.

To you, the first Legislature in the new century, I now submit my final recommendations. I bespeak for them your painstaking and earnest consideration. In the growth of our Constitution, the great power of the Commonwealth has been vested, and rightly vested, in the legislative body.

You are the legislators of no mean empire. In population almost the equal, in commerce, in manufactures, and in wealth, it far surpasses the England of Elizabeth. Pittsburgh, our second city, contains to-day twice as many people as the London of Cecil and of

Shakespeare, whilst Philadelphia has double the number of the London of Milton and of Cromwell. But it would ill become me to descant upon your duties, or the possibilities within your reach. Yet I cannot withhold the utterance of a hope that it may be your good fortune to usher in that new epoch, in our political development, which, I would fain believe, has, at last, begun to dawn.

HENRY M. HOYT.

---

To the Senate Nominating Francis Jordan Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 2, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby, no nominate for the advice and consent of the Senate, Francis Jordan, of the county of Dauphin, to be Secretary of the Commonwealth, from November 4, 1882, vice M. S. Quay, resigned.

HENRY M. HOYT.

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To the Senate Nominating Trustees of the Hospital for the Insane at Warren.

Executive Department,  
Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby, no nominate for the advice and consent of the Senate, J. D. Hancock, of the county of Venango; George W. Starr, of the county of Erie;

and George N. Parmlee, of the county of Warren, to be trustees of the Hospital for the Insane at Warren, Pennsylvania, for the term of three years.

HENRY M. HOYT.

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To the Senate Nominating J. Montgomery Forster  
Insurance Commissioner.

Executive Department,  
Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. Montgomery Foster, of the county of Dauphin, to be Insurance Commissioner of Pennsylvania for the term of three years, from the first Monday of May, 1882.

HENRY M. HOYT.

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To the Senate Nominating Trustees of the State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania.

Executive Department,  
Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania, viz:

William Lilley, Carbon county.  
 Elyard T. Reese, Columbia county.  
 Simon Cameron, Dauphin county.  
 A. Fulton, Northumberland county.  
 Emanuel Bast, Schuylkill county.  
 Robert Allison, Schuylkill county.  
 Daniel R. Miller, Schuylkill county.  
 Charles F. King, Schuylkill county.  
 Thomas J. Foster, Schuylkill county.

HENRY M. HOYT.

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To the Senate Nominating R. B. Stone a Trustee of  
 the Hospital for the Insane at Warren.

Executive Department,  
 Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
 honor hereby to nominate for the advice and con-  
 sent of the Senate, R. B. Stone, of the county of  
 McKean, to be a trustee of the hospital for the insane,  
 at Warren, Pa., for the term of two years, from June  
 10, 1881.

HENRY M. HOYT.

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To the Senate Nominating Philip C. Garrett a Mem-  
 ber of the Board of Public Charities.

Executive Department,  
 Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
 honor hereby to nominate for the advice and con-  
 sent of the Senate, Philip C. Garrett, of the city  
 of Philadelphia, to be a member of the Board of Pub-

lic Charities, for the term of five years, from August 30, 1882.

HENRY M. HOYT.

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To the Senate Nominating Trustees of the Hospital  
for the Insane at Danville.

Executive Department,  
Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Hugh Young, of the county of Tioga; B. H. Throop, of the county of Lackawanna, and Charles S. Miner, of the county of Wayne, to be trustees for the Hospital of the Insane at Danville, for the term of three years, from January 13, 1882.

HENRY M. HOYT.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital at Harrisburg.

Executive Department,  
Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry Gilbert, of the county of Dauphin, and Robert A. Lamberton, of the county of Northampton, to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, for the term of three years from February 7, 1882.

HENRY M. HOYT.

To the Senate Nominating Charles J. Little State Librarian.

Executive Department,  
Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles J. Little, of the county of Cumberland, to be State Librarian, for the term of three years from September 15, 1882.

HENRY M. HOYT.

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To the Senate Nominating J. P. Edge a Member of the State Board of Agriculture.

Executive Department,  
Harrisburg, January 3, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. P. Edge, of the county of Chester, to be a member of the State Board of Agriculture for the term of three years.

HENRY M. HOYT.

To the Senate Nominating William B. Lupton a  
Manager of the Pennsylvania Reform School.

Executive Department,  
Harrisburg, January 10, 1883.

Gentlemen:

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William B. Lupton, of the county of Allegheny, to be a manager of the Pennsylvania Reform School, to fill the unexpired term of Malcolm Hay, resigned.

HENRY M. HOYT.

---

To the Senate Nominating D. M. Boyd a Trustee of  
the Hospital for the Insane at Danville.

Executive Department,  
Harrisburg, January 10, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, D. M. Boyd, of the county of Montour, to be a trustee of the Hospital for the Insane at Danville, Pennsylvania, to fill the unexpired term of W. A. M. Grier, resigned.

HENRY M. HOYT.



To the Senate Nominating Commissioners to Superintend the Construction of a State Industrial Reformatory at Huntingdon.

Executive Department,  
Harrisburg, January 10, 1883.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons, to be commissioners to superintend the construction of a State Industrial Reformatory at Huntingdon, Pennsylvania:

Henry Rawle, of the county of Erie.

Charles Thompson Jones, of the city of Philadelphia.

Henry C. Howell, of the city of Philadelphia.

William Nolan, of the county of Berks.

John Paul, of the county of Allegheny.

Thomas B. Kennedy, of the county of Franklin.

Theodore Strong, of the county of Luzerne.

HENRY M. HOYT.

To the Assembly Transmitting a Report of the Commissioners to Examine into the Present System for the Care of the Insane of the State.

Gentlemen:—

IN MAY, 1882, I REQUESTED JOHN F. HART-  
rafft, Richard C. McMurtrie, Joseph A. Reed, M.  
D., S. Weir Mitchell, M. D., J. T. Rothrock, M. D.,  
L. Clarke Davis, and George L. Harrison to examine into the present system for the care of the insane in the State, and inquire into the legislation of other States and countries, and report the result of their investigations with their conclusions and recommendations for the further protection and amelioration of the insane.

This request was, in no possible sense, intended to discredit the labors and inquiries of the Board of Public Charities on this subject, but as a wider range of examination was contemplated than the official duties of the Board required and an outlay of money which the Board had no legal right to expend, it was deemed proper to accept the voluntary contribution of the time and money tendered by the gentlemen named. This commission was constituted of persons who possessed a high order of learning and experience on the question, and whose professional reputations demanded the most conscientious and practical consideration and action. It is safe to ask you to accept their conclusions, contained in the accompanying report and proposed act of Assembly, with a large measure of confidence.

HENRY M. HOYT.

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To the Assembly Transmitting Certain Documents from the Minister of Great Britain Concerning Laws to Punish Persons Leaving the State to Engage in Prize Fighting.

Gentlemen:—

I HAVE THE HONOR TO LAY BEFORE YOU A communication from the Honorable Secretary of State of the United States, enclosing a memorial of His Excellency, Her Britannic Majesty's Minister, at Washington, in relation to "the alleged omission of the laws of Pennsylvania to provide for the punishment of a person who leaves the State with intent to engage in a prize fight elsewhere, or returns to it after having fought elsewhere, and that persons, taking advantage of this fact, make Erie, in Pennsylvania, their

starting point for the purpose of coming to Ontario, in the Dominion of Canada, and illegally engaging in a prize fight there." Accompanying the correspondence will be found copies of chapter 40 of 44 Victoria, assented to March 12, 1881, entitled "An act respecting prize fighting."

I respectfully refer the said memorial and documents for such consideration and action, as, in the opinion and judgment of your honorable body, will best supplement and effectuate the action of Her Majesty's Government in the interests of public justice and good order in the two countries.

HENRY M. HOYT.



# INDEX.



# INDEX.

---

- A** DJUTANT General James W. Latta, 506  
Advertising company, Veto of incorporation of American, 333.  
Agricultural college, Veto of investigating committee on the Pennsylvania, 725.
- Agriculture, A. A. Perrin nominated member of board of, 799.  
board of, 780, 912.  
Bureau of Labor statistics and, 147.  
James Young nominated member board of, 638.  
John L. George nominated member board of, 639.  
John P. Edge nominated member board of, 815, 931.  
Thomas C. MacDowell nominated Commissioner of Labor Statistics and, 200  
nomination of, withdrawn as Commissioner of Labor Statistics and, 216.  
Thomas J. Bingham nominated Commissioner of Labor Statistics and 217, 443.
- Albright, Charles, member of Congress, 120.
- Allegheny, Veto of incorporation of second national loan and homestead association of, 258.  
Veto of the Central Market Company of, 251.
- Allen, Harrison, elected Auditor General, 127.
- Allison, James, nominated manager Pennsylvania Reform School, 652.
- Almshouse, Veto of sale of, in Philadelphia, 320.
- Anderson, George H., nominated manager Pennsylvania Reform School, 652.
- Antietam National Cemetery, 609.
- Apportionment, Congressional, 76, 151.
- Arbitration between labor and capital, 601, 683.
- Archives, Pennsylvania, 306, 434, 487, 693.  
second series, 790.
- Arsenal, State, 304, 428.  
enactment of legislature relative to construction of, without the Governor's signature, 652.  
withdrawal of veto of act relative to construction of, 648.  
Veto of act relative to construction of, 646.
- Artillery, James D. Walker, chief of, 812.
- Ashman, William N., nominated to the bench, 640.
- Asylum, see lunatic.
- Atkinson, Louis E., member of Congress, 890.
- Atlee, John L., nominated trustee State Lunatic Hospital, 36, 377, 588, 798.
- Attorney General George Lear, 504.  
Henry W. Palmer, 720.
- Auction legislation for Lancaster, 187.  
for Reading, 361.
- Auctioneers, Veto of legislation relating to, in cities of the first class, 860.
- Auditor General Harrison Allen, 127.  
C. C. Brigham, 101.

- BACHMAN**, Reuben K., member of Congress, 703.  
**Bailey**, Charles L., nominated asylum trustee, 798.  
 George, nominated asylum trustee, 102, 443.  
**Bakewell**, William, nominated commissioner of public charities, 99, 643.  
**Bank shares**, Veto of legislation on the assessment and taxation of, 828.  
**Bank**, Veto of an act for relief of Thomas F. Kerns from payment of State funds lost by failure of a, 871.  
 Veto of incorporation of Compound Trust, 343.  
**Beaver Deposit**, Veto of, 46.  
 Veto of incorporation of Hestonville, 324.  
 Veto of incorporation of Hoboken Real Estate Savings, of Pittsburg, 228.  
 Veto of incorporation of Home Savings, of Pittsburg, 56.  
 Veto of incorporation of Indiana County Deposit, 109.  
 Veto of incorporation of Lehigh Savings, 107.  
 Veto of incorporation of the Marine, 371.  
 Veto of incorporation of Merchants' and Manufacturers', of Philadelphia, 326.  
 Veto of incorporation of Monongahela Savings and Deposit, 105.  
 Veto of incorporation of Sharpsburg and Etna Savings, 57.  
 Veto of incorporation of Washington, of Philadelphia, 365.  
 Veto of incorporation of Waynesboro Savings, 58.  
 Veto of legislation for the Butchers' and Drovers', 372.  
 Veto of legislation for the Franklin, of Philadelphia, 266.  
 Veto of legislation for the Miners' Savings, of Scranton, 248.  
**Banks**, savings funds, trust companies, 297, 418, 490, 532, 582, 675.  
**Banking and Savings Deposit Company**, Veto of further incorporation of Philadelphia, 37.  
**Bankson**, John P., nominated Major General, 499.  
**Barr**, James P., nominated manager Pennsylvania Reform School, 727.  
 Samuel F., member of Congress, 747, 889.  
**Bayne**, Thomas M., member of Congress, 521, 705, 747, 890.  
**Beaver**, James A., nominated Brigadier General, 706.  
 Nominated Major General, 6, 444.  
 Thomas, asylum trustee, 374.  
 Commissioner of Public Charities, 794.  
**Beebe**, Samuel, nominated to the bench, 559.  
**Bellefonte Water Works**, Veto of special legislation for, 821.  
**Beltzhoover**, Frank E., member of Congress, 704, 747.  
**Bergner**, George, nominated asylum trustee, 218.  
**Berks county**, Veto of special road legislation for, 826.  
**Bertolette**, John D., inspector general, 508.  
**Biddle**, Craig, nominated to the bench, 438.  
**Biery**, James S., nominated member of Congress, 121.  
**Bigham**, Thomas J., nominated Commissioner of Labor Statistics and Agriculture, 217, 443.  
**Bigler**, William, Death of, 791.  
**Bines**, Samuel M., nominated asylum trustee, 799.  
**Bingham**, Henry H., member of Congress, 702, 745, 888.  
 nominated manager Pennsylvania Reform School, 672.  
**Pinney**, Horace, Death of, 491.  
**Blairsville**, Veto of bond issue for, 369.  
**Bodies of deceased persons**, Veto of act vesting the property of in certain heirs, 847.  
**Bolton**, William J., nominated Major General, 217.  
**Bomberger**, Jacob C., nominated asylum trustee, 102.  
**Border claims**, rebellion, 40, 108.  
**Boundary line**, Ohio, 807.  
**Boundary lines**, New York and Pennsylvania, 489, 801.  
 northern and southern, 1879, 691.  
 north and west, 785.  
**Boyd**, D. M., nominated asylum trustee, 932.  
 James, nominated asylum trustee, 799.



- Boyle, Charles E., nominated asylum trustee, 507, 890.  
 nominated manager Western Pennsylvania Hospital, 641.
- Bradley, W. H., nominated asylum trustee, 500, 800.
- Brainerd, S. M., member of Congress, 891.
- Brewster, F. Carroll, on power of railways to advance freight rates on coal, 13
- Bridges, Samuel A., member of Congress, 519.
- Brigham, C. C., Auditor General, 101.
- Brinton, Robert M., nominated Major General, 563, 564.
- British government's gift to Pennsylvania Museum and School of Industrial Art, 649.
- Brookville Gas and Water Company, Veto of legislation for, 344.  
 Veto of bond issue for, 331.
- Bromall, John M., nominated to the bench, 351.
- Brown, Henry Arnett, Death of, 696.  
 Thomas H., nominated asylum trustee, 799.  
 William Wallace, member of Congress, 890.
- Brumm, Charles N., member of Congress, 746, 889.
- Buehler, Charles H., nominated Major General, 39.
- Bullock, George, nominated Commissioner of Public Charities, 375, 643.
- Bunnell, Frank C., member of Congress, 133.
- Butler, Samuel, proclamation of election of, as State Treasurer, 737.
- Butter, etc., Veto of repeal of authority of market clerks to make the test weights of, 859.  
 legislation, Veto of special, 854.
- C**ALDER, William, nominated asylum trustee, 495.
- Cameron, J. Donald, Letter from, 562.  
 Simon, resignation as United States Senator, 566.
- Campbell, Jacob M., member of Congress, 520, 747, 830.
- Capital, Arbitration between labor and, 601, 683.
- Capitol and capitol grounds, 85, 170.
- Carriers, common, Veto of act authorizing, to sell unclaimed property, 229.
- Cemetery, Antietam National, 609.
- Centennial anniversary of Independence day, Proclamation of, 501.  
 building, Donation of State, to city of Philadelphia recommended, 563.  
 celebration at York town, 789.  
 exposition, 19, 28, 177, 212, 286, 376, 412, 440, 552.  
 managers, 503.  
 managers' report of, 645.  
 proclamation of "Pennsylvania Day" at, 511.
- Century, Progress of the, 553.
- Cessna, John, member of Congress, 122.
- Chalfant, Thomas, nominated asylum trustee, 558, 800.
- Charities, Public, 1872, 91.  
 Board of, 1873, 164, 214.  
 Public, 1874, 295.  
 1875, 433.  
 1876, 485.  
 1877, 546.  
 1878, 611.  
 1879, 687.  
 1881, 782.  
 1883, 908.  
 Commissioners, 5, 99, 140, 375, 440, 493, 499, 561, 643, 794, 929.
- Children in poor-houses, 760, 920.
- Church building society, Veto of Evangelical conference, 235.  
 St. Andrews, of Springfield, Veto of legislation for, 261.  
 Zion's, of Alsace township, Veto of legislation for, 262.
- Cities of the first class, Veto of act relating to auctioneers in, 860.  
 of the second class, Veto of act relating to finances and taxes in, 835.  
 of the third class, Veto of an act relative to a city code in, 852.

- Civil authorities, responsibilities of, 602.
- Claims, War, 1872, 66.
- Clearfield county, Veto of special legislation regarding surveyors' fees in, 823.
- Clymer, Hiester, nominated Commissioner of Public Charities, 5, 493.  
member of Congress, 121, 397, 519, 703.
- Coal and iron laborers, Veto of act securing regular and lawful money wages to, 829.  
mines, 86.  
railroad company's power to advance freight rates on, 8.  
region, strike of miners in the, 1871, 32.
- Cochran, Alexander G., member of Congress, 398.
- Codification of the laws, 86.
- Coffroth, Alexander H., member of Congress, 704.
- Cohen, Josiah, nominated manager Pennsylvania Reform School, 652.
- Colder, William, nominated asylum trustee, 218.
- Coleman, G. Dawson, nominated Commissioner of Public Charities, 375, 643.
- College, Veto of further incorporation of Thiel, 350.
- Collins, Francis D., member of Congress, 397, 520.
- Colonial records, 306, 434, 487.
- Commissary General John R. Coxe, 642.  
Thomas J. Smith, 728.
- Congress, Apportionment of members of, 76, 151.  
Proclamation of members of, 1872, 119, 133.  
1874, 395, 402.  
1876, 514, 518.  
1879, 702.  
1880, 744.  
1882, 887.
- Connell, George, Death of, 92.
- Connellsville, Veto of legislation upon election of town council in, 219.
- Connelly, Daniel W., member of Congress, 889.
- Constitutional amendment providing for election of State Treasurer, Writ for vote on, 112.  
requiring the election of State Treasurer, 196.
- Convention of 1872, Proclamation of election of delegates to, 114.  
1873, 153.  
Veto of appropriation for publication of proceedings of, 224.  
reform, 212.
- Constitution, Reform of, 75.  
of 1873, 288, 416.  
Proclamation of, 314.
- Conyngnam, Charles M., inspector general, 812.
- Cornell, Alonzo B., Governor of New York, letter from, 802.
- Corporate authorities of Uniontown, Veto of increase of powers of, 265.
- Corporation laws, 707.  
Veto of Broad Mountain Lumber Company, 273.  
Allodial Land and Improvement Company, 270.  
American Advertising Company, 333.  
American Tube Company, 318.  
Anthrax Fuel Company, 274.  
Austin Contract and Improvement Company, 322.  
Beaver Deposit Bank, 46.  
Bradford Coal Company, 349.  
Bullock Printing Press Company, 345.  
Bunker Hill and Lafayette Railroad Company, 328.  
Central Market Company of Allegheny, 251.  
Central Mutual Life Insurance Company, 347.  
Chester Wharf and Shipping Company, 337.  
Christian Missionary, 244.  
Coalport Trust Bank, 343.  
Coudersport and Port Allegheny Railroad Company, 365.  
Cumberland Manufacturing Company, 275.  
Cutlan Shoe Manufacturing Company, 274.

## Corporation, Veto of—Continued.

- Cutlan Shoe Sewing Company, 102.  
 Delaware Valley Fire and Marine Insurance Company, 357.  
 Eastern Mutual Life Insurance Trust Company, 359.  
 Equality Life Insurance Company of Pennsylvania, 264.  
 Equity Life Insurance Company, 332.  
 Employment and Construction Company of Philadelphia, 323.  
 Engle Keller Manufacturing Company, 333.  
 Enterprise Warehouse and Deposit Company of Indiana County, 339.  
 Eureka Printing House Company, 358.  
 Evangelical Conference Church Building Society, 235.  
 further incorporation of Philadelphia and Delaware Railway, 29.  
 Philadelphia Banking and Savings Deposit Company, 37.  
 Franklin Manufacturing Company, 276.  
 Gibraltar Insurance Company, 340.  
 Graybill Mercantile Company, 342.  
 Greensburg Non-explosive Oxygenated Oil and Gas Company of Pennsylvania, 259.  
 Hestonville Bank, 324.  
 Home Savings Bank of Pittsburg, 56.  
 Hoboken Real Estate Savings Bank of Pittsburg, 228.  
 Home for the Friendless in Scranton, 236.  
 Indiana County Deposit Bank, 109.  
 Indiana Lumber Company, 355.  
 King Creek Slate and Iron Company, 271.  
 Lancaster Transfer Company, 340.  
 Lehighon Savings Bank, 107.  
 Lafin Powder Company, 338.  
 Loyalhanna Mining and Manufacturing Company, 354.  
 Machinists' Company, 347.  
 Marine Bank, 371.  
 Marine Building Company, 358.  
 Merchants' and Manufacturers' Bank of Philadelphia, 326.  
 Middle Lehigh Coal Company, 328.  
 Military College of Philadelphia, 362.  
 Minnequa and Carbon Passenger Railroad Company, 318.  
 Monongehela Improvement Company, 363.  
 Monongehela Savings and Deposit Bank, 105.  
 Montour Valley Railroad Company, 330.  
 National Trust Company of Pittsburg, 272.  
 North and West Branch Railroad Company, 49.  
 Pacific Land and Mining Company, 335.  
 Philadelphia Bone and Phosphate Company, 352.  
 Philadelphia Real Estate Company, 334.  
 Phosphor Bronze Company, 320.  
 Pittsburg and South Side Steam Passenger Railroad Company, 351.  
 repeal of, for the Clarion River Navigation Company, 353.  
 Saxon Color Manufacturing Company, 349.  
 Scott Iron and Manufacturing Company, 247.  
 Schuylkill Manufacturing Company, 251.  
 Scranton Silk Company, 233.  
 Second National Loan and Homestead Association of Allegheny, 258.  
 Sharpsburg and Etna Savings Bank, 57.  
 Sloan Manufacturing Company, 348.  
 South Side Land and Improvement Company, 350.  
 Southern Land and Mining Company, 336.  
 Standard Steel Company, 341.  
 Washington Bank of Philadelphia, 365.  
 Watsonstown Car Manufacturing Company, 254.  
 Waynesboro Savings Bank, 58.  
 Westmoreland Mining, Manufacturing and Improvement Company, 316.  
 Wilkes-Barre City Hospital, 248.

- Corporations, statement of titles and powers of, 817.  
 Corson, Hiram, nominated asylum trustee, 644, 795.  
 Counties, new, Veto of orphans' court legislation in case of the separation of, 851.  
 County jails, Veto of act for fixing the board of prisoners in, 857.  
     officers, salaries for, 488.  
     Veto of act relating to election of, where the counties constitute a separate judicial district, 856.  
 Court, orphans, legislation, Veto of, in case of the separation of new counties, 851.  
 Courts of common pleas, Veto of enlargement of legislation of, 808, 858.  
 Cowpens memorial, 795.  
 Cox, Robert C., nominated Major General, 39.  
 Coxe, John R., Commissary General, 642.  
 Credit mobiler of America, 73.  
 Cumberland county, Veto of trout legislation for, 360.  
 Curtin, Andrew G., member of Congress, 747, 890.  
     nominated centennial manager, 503.  
 Curts, Caarlton B., member of Congress, 122.

- D**AMAGES from public works, Veto of legislation for, 868.  
 Davis, John, nominated to the bench, 728.  
     Robert H., inspector Western Penitentiary, 560.  
 Darlington, Henry T., nominated asylum trustee, 378, 443.  
 Debt, State, 1872, 63, 453.  
     1873, 138.  
     1874, 284.  
     1875, 406.  
     1877, 525.  
     1878, 575.  
     1879, 668.

- Delaware, New Jersey on fisheries in the, 30.  
 Depressions, Periodical, 554.  
 Detwiler, B. H., nominated asylum trustee, 374, 439, 639, 794.  
 Dick, Samuel B., member of Congress, 705.  
 Dickerson, J. W., Death of, 93.  
 Dickinson, Mahlon B., nominated Commissioner of Public Charities, 499.  
 Dimmick, Samuel E., Attorney General, 216.  
     Death of, 491.  
 Diplomas, Bogus, 787.  
 Dobson, John R., nominated Major General, 27, 501.  
 Documents, Recording and preserving, 164.  
 Downingtown Water Works, Veto of, 367.  
 Dravo, John F., nominated manager of Pennsylvania Reform School, 652.  
 Duffy, James, nominated Fishery Commissioner, 560.  
 Duncan, William A., member of Congress, 890.

- E**DGE, John P., nominated to Board of Agriculture, 815, 931.  
 Education in 1872, 77.  
     1873, 154.  
     1874, 291.  
     1875, 407.  
     1876, 457.  
     and schools, 1877, 534.  
     1878, 584.  
     1879, 680.  
     1881, 758.  
     1883, 900.

- Egbert, A. G., member of Congress, 398.  
 Ehrenfield, Charles L., State Librarian, 641, 798.

- Election legislation, Veto of special for Mauch Chunk, 185.  
 of Westmoreland county, 850.  
 of commissioner's clerk in York county, Veto of special legislation, 821.  
 of county officers, where the counties constitute a separate judicial district, Veto of act relating to, 856.  
 of delegates to Constitutional convention of 1872, 114.  
 of judges, Veto of legislation on, 45.  
 of town council in Connellsville, Veto of legislation upon, 219.  
 on the question of erecting Lackawanna county from Luzerne, proclamation of, 656.
- Elections, freedom of, 153.  
 Proclamations for, 84.
- Elliott, D. Stewart, Major General, 200.  
 Mortimer F., member of Congress, 891.
- Eppley, Daniel, nominated asylum trustee, 644, 795.
- Erie harbor, on the, 4.
- Ermentrout, Daniel, member of Congress, 746, 888.
- Errett, Russell, member of Congress, 521, 705, 747.
- Evans, I. Newton, member of Congress, 519, 888.
- Everhart, James B., member of Congress, 888.
- Executors and trustees, Veto of legislation for perfecting conveyances of real estate under sales made by, 384.
- Executions, Veto of modification of act relating to, 25.
- Exemption law, 308, 434.
- Exposition, Centennial, 19, 28, 177, 212, 286, 376, 412, 440, 552.  
 managers, 503, 645.  
 Proclamation of "Pennsylvania Day" at, 511.  
 Vienna, 227, 209.
- F**ACTORIES, steam, Veto of prohibition of, adjacent to school houses, 267.  
 Fast day proclamation, 877.
- Fertig, John, nominated asylum trustee, 820.
- Fetterman, G. L. B., nominated manager Pennsylvania Reform School, 652.
- Finances, State, 1872, 61.  
 1873, 138.  
 1874, 283.  
 1875, 404.  
 1876, 452.  
 1877, 524.  
 1878, 574.  
 1879, 667.  
 1881, 753.  
 1883, 895.
- Fish, see also trout.
- Fisheries in the Delaware, New Jersey on, 30.
- Fisher, Horatio G., member of Congress, 704, 747.
- Fishery, 1874, 301.  
 1875, 429.  
 1876, 484.  
 1877, 547.  
 1879, 695.  
 1881, 784.  
 Commissioners, 560, 821.  
 Veto of creation of, 1873, 190.
- Forestry, 1874, 508.  
 1875, 433.
- Forster, J. Montgomery, nominated Insurance Commissioner, 267.  
 507, 928.
- Foster, Charles, Letter from, 807.
- Freeman, Chapman, member of Congress, 396, 518.
- French, H. F., Letter from, 804.

Freight rates on coal, Railroad company's power to advance, 8.  
 Frick, Alexander J., nominated asylum trustee, 439.  
 Futhey, J. Smith, nominated to the bench, 721.

**G**ALLAGHER, Thomas F., nominated Major General, 6, 444.  
 Garfield, Proclamation of day of prayer for President, 876, 877.  
 Garrett, Philip C., member of Board of Public Charities, 929.  
 Geary, John White, Death of 218, 310.  
 Geological survey, 421, 483, 540, 610, 653, 691, 779, 800, 816, 912.  
     recommended, 146, 306.  
 George, John L., nominated Member of Board of Agriculture, 639.  
 Gettysburg, Picture of battle of, 99, 162.  
 Gilbert, Henry, nominated asylum trustee, 218, 495, 930.  
 Gillespie, John J., nominated manager Pennsylvania Reform School, 652.  
 Godshalk, William, member of Congress, 703, 746.  
 Gordon, Isaac G., Proclamation of election of to the Supreme bench, 278.  
 Goshorn, A. T., Letter from, 440.  
 Governors, Salary of, 1873, 171.  
 Granden, E. B., nominated asylum trustee, 820.  
 Green, Henry, Proclamation of election of, to the Supreme bench, 741.  
     Traill, nominated asylum trustee, 36, 377, 558, 798.  
 Greensburg Non-explosive Oxygenated Oil and Gas Company, Veto of, 259.  
 Grier, H. A. M., nominated asylum trustee, 374, 439, 639, 794.  
 Gross, Daniel W., nominated asylum trustee, 36, 377, 558.

**H**ALL, Louis W., Commissioner of Geological Survey, 800.  
 Hancock, Elisha A., Quartermaster General, 811.  
     J. D., nominated asylum trustee, 927, 820.  
 Hand, Alfred, nominated to the bench, 721.  
 Harmer, Alfred C., member of Congress, 121, 519, 703, 745, 888.  
 Harrison, George L., nominated Commissioner of Public Charities, 100.  
 Hartranft, John Frederick, Biographical sketch of, 205.  
     First inaugural address, 208.  
     Second inaugural address, 495.  
     nominated Major General, 5, 720.  
     nominated asylum trustee, 799.  
 Health recommendations, 1873, 167.  
     State Board of, 89, 695.  
 Henderson, Robert M., nominated to the bench, 381.  
 Henry, Alexander, nominated inspector Eastern Penitentiary, 642.  
 Hewitt, Benjamin L., nominated Fishery Commissioner, 560.  
 Higbee, E. E., Superintendent Public Instruction, 803.  
 Historical publications (see also archives, colonial), 539.  
 Hopkins, James H., member of Congress, 398, 890.  
 Hospital in Pittsburg, U. S. Marine, 804, 806.  
     for Injured Persons of the Anthracite Coal Regions, 928.  
     Veto of incorporation of the Wilkes-Barre city, 248.  
     Veto of legislation for St. Luke's, at South Bethlehem, 235.  
     Western Pennsylvania, at Dixmont, 641.  
 Howard, Hartley, inspector general, 728.  
 Hoyt, Henry Martyn, Biographical sketch of, 711.  
     Inaugural address, 714.  
 Hughes, M. G., nominated to the bench, 503.  
 Hufekoper, Henry S., nominated Brigadier General, 706.  
     nominated Major General, 6, 444.  
 Hunt, R. S., nominated asylum trustee, 820.  
 Huntingdon Reformatory, 801, 903, 933.

**I**NSURANCE, 212, 300, 415, 483, 547, 914.  
     commissioner, J. Montgomery Forster nominated, 267, 507, 928.  
     company, Veto of Central Mutual Life, 347.  
     Veto of legislation for the Columbia, 246.

## Insurance Company—Continued.

- Veto of Delaware Valley Fire and Marine, 357.
- Veto of Eastern Mutual Life Trust, 359.
- Veto of Equality Life, of Pennsylvania, 264.
- Veto of incorporation of Equity, 332.
- Veto of Gibraltar, 340.
- Veto of legislation for the Iron City Mutual Life, 252.
- Veto of legislation for the Lancaster Home mutual fire, 253.
- Veto of legislation for the Lehigh County mutual fire, 234.

## Industrial statistics, 771.

training, 1878, 597.

Ingham, Thomas J., nominated to the bench, 381.

Insane (see also lunatic), 1874, 296, 297.

1875, 431.

1876, 474.

hospital, Danville, on appointment of trustees for, 198.  
of State, Care for, 933.

Inspector General John D. Bertolette, 508.

Charles M. Conyngham, 812.

Hartley Howard, 728.

Inspector of rifle practice, John S. Riddle, 728.

Instruction, E. E. Higbee, Superintendent Public, 803.

James P. Wickersham, 504.

Irwin, John M., nominated manager Pennsylvania Reform School, 727.

William, nominated to the bench, 378.

**J**ACKSON, Clarence G., Quartermaster General, 728.

Jadwin, Cornelius C., member of Congress, 747.

Jamison, B. K., nominated asylum trustee, 799.

Jenks, George A., member of Congress, 398.

Jennings, W. W., nominated asylum trustee, 798.

Jessup, W. H., nominated to the bench, 643.

nominated Major General, 41.

Johnson, R. V., nominated manager Pennsylvania Reform School, 652.

Johnston, William Freame, Death of, 171.

Jones, Charles F., nominated inspector Eastern Penitentiary, 612.

Joshua W., Superintendent Public Printing, 444, 500, 559, 815.

Jordan, Francis, Secretary of the Commonwealth, 927.

Thomas J., nominated Major General, 6.

Judicial district, Veto of act relating to election of county officers, where the counties constitute a separate, 856.

Judiciary legislation, Veto of, 837.

Judge Advocate General, George F. Smith, 567.

Norris, A. Wilson, 728.

W. H. Yerks, 508.

Judges, appointment of, 381, 382, 383, 386, 394, 438, 439, 498, 508, 557, 559, 562, 566, 640, 643, 650, 699, 721, 725, 741, 813, 814.

Approval of act for districts and election of, 379.

Veto of legislation on election of, 45.

Jurisdiction of United States over locks and dams on the Ohio river, 505, 561.

over military reservations, 7.

Justice of the Peace Harry Wentz, Veto of extension of term of, 31.

**K**ANE, Thomas L., nominated Major General, 6.

Kelker, Rudolph F., nominated asylum trustee, 199.

Keating, Anthony P., nominated manager Pennsylvania Reform School, 652, 727.

Kelley, George A., inspector Western Penitentiary, 560.

William D., member of Congress, 121, 396, 519, 703, 745, 888.

Kerns, Veto of an act for relief of Thomas F., from payment of a State fund lost by failure of a bank, 871.

- Ketcham, Winthrop W., nominated to the bench, 386.  
 member of Congress, 397.  
 Killinger, John W., member of Congress, 121, 520, 704.  
 Kirkpatrick, William S., nominated to the bench, 381.  
 Klotz, Robert, member of Congress, 704, 746.  
 Knabb, Jacob, nominated asylum trustee, 557.

- L** ABOR, Arbitration between capital and, 601, 683.  
 disturbances at Williamsport, Proclamation on, 1871, 53.  
 statistics and agriculture, Bureau of, 147.  
 Thomas J. Bingham nominated Commissioner of, 217, 443.  
 Thomas C. MacDowell nominated Commissioner of, 260, 216.  
 Laborers, veto of act securing regular pay to, 844.  
 Lackawanna county, Proclamation of election on the question of erecting,  
 from Luzerne, 656.  
 Proclamation of the erection of, 662.  
 Proclamation erecting into a judicial district, 722.  
 Veto of special legislation for vagrant stock in, 822.  
 Lamberton, Robert A., nominated asylum trustee, 443, 495, 930.  
 Land claims, Veto of legislation on settlement of State, 59.  
 department, 1874, 395.  
 Landlord legislation for Mifflin county, Veto of, 364.  
 Lancaster, Auction legislation for, 187.  
 Home Mutual Fire Insurance Company, Veto of legislation for, 253.  
 Latta, James W., Adjutant General, 506.  
 Laws, Codification of the, 86.  
 Corporation, 707.  
 books, binding of, 164.  
 exemption, 308.  
 Lawlessness (see also riot, strike, etc), 1875, 426.  
 1876, 476.  
 1877, 542.  
 Lawrence, George V., member of Congress, 890.  
 Lear, George, Attorney General, 504.  
 Letter from, 707.  
 Legislation, On alleged fraudulent, 111.  
 Special, 213.  
 Veto of special, for payment of debts of a Wilkes-Barre school dis-  
 trict, 260.  
 Lehigh County Mutual Fire Insurance Company, veto of legislation for, 234.  
 Librarian, State, Charles L. Ehrenfeld, 641, 798.  
 Charles J. Little, 931.  
 O. H. Miller, 106, 442.  
 Library, State, 1879, 695.  
 Liens, mechanics', Veto of extension of legislation on, 48.  
 Linesville Police Company, Veto of incorporation of, 42.  
 Linn, John Blair, Secretary of the Commonwealth, 646.  
 Little, Charles J., State Librarian, 931.  
 Lunatic hospital, State, Trustees of, 35, 101, 199, 218, 373, 377, 378, 439, 442,  
 454, 495, 507, 557, 558, 629, 644, 699, 794, 795, 798, 799, 800, 820, 927,  
 929, 330.

- M** cCANDLESS, Charles, nominated to the bench, 381.  
 McCormick, C. C., nominated Major General, 27.  
 McCrea, James A., nominated centennial manager, 503.  
 McCreary, D. B., nominated manager Western Pennsylvania Hospital, 641.  
 McCreary, D. H., nominated asylum trustee, 507.  
 McCullough, James, nominated manager Pennsylvania Reform School, 727.  
 McCurdy, John, nominated Superintendent Public Printing, 109, 199, 374.  
 McDowell, Thomas C., Commissioner of Labor Statistics and Agricul-  
 ture, 200, 216.



- McGowan, Theodore, nominated Major General, 27.  
 McJunkin, Ebenezer, member of Congress, 123.  
 McKennan, Thomas, nominated manager Pennsylvania Reform School, 727.  
 Mackey, Levi A., member of Congress, 398, 520.  
 M'Mahan, James, nominated to the bench, 498.  
 McMichael, Morton, nominated centennial manager, 503.  
   death of, 697.  
 McNary, John C., nominated manager Pennsylvania Reform School, 652.  
 Magee, John A., member of Congress, 122.  
 Magraw, John, nominated manager Pennsylvania Reform School, 652.  
 Maish, Levi, member of Congress, 398, 520.  
 Mann, John S., nominated asylum trustee, 374.  
 Maris, John M., nominated inspector Eastern Penitentiary, 642.  
 Market clerks, Veto of repeal of authority of, to make the test weights of  
   butter, etc., 859.  
 Maxwell, William, nominated to the bench, 381.  
 Meade, George Gordon, Death of, 172.  
   Memorial executive committee, work of, 220.  
 Mechanics' liens, Veto of extension of legislation on, 48.  
 Medical degrees, Bogus, 787.  
 Mercur, Ulysses, elected to supreme bench, 125.  
 Meredith, W. M., Death of, 310.  
 Merrill, Jesse, nominated Major General, 16.  
 Mexican war pensions, Veto of, 729.  
 Middletown, Veto of tax legislation for, 186.  
 Mifflin county, Veto of landlord legislation for, 364.  
 Milford and Matamoras Railroad, 77.  
 Military College of Philadelphia, Veto of incorporation of, 362.  
 Military reservation, Jurisdiction over, 7.  
 Militia, see National Guard.  
 Miller, O. H., State Librarian, 106, 442.  
   S. H., member of Congress, 891.  
 Milton, Veto of appropriation to re-erect school buildings burned at, 862.  
 Miner, Charles A., nominated Commissioner of Geological Survey, 816.  
 Miners, Strike of, in the anthracite coal region, 1877, 32.  
 Mines, coal, 86.  
 Minor, Charles S., nominated asylum trustee, 102, 374, 494, 699, 930.  
 Missionary convention, Veto of incorporation of the Christian, 244.  
 Mississippi Valley States Commission, 786.  
 Mitchell, Foster W., nominated centennial manager, 503.  
   Ira C., Veto of payment for recruiting services, 346.  
   John I., member of Congress, 520, 704.  
 Moore, William S., member of Congress, 123.  
 Morganza Reform School managers, 816, 817.  
 Mosgrove, James, member of Congress, 748.  
 Muirheid, Henry P., nominated Brigadier General, 499.  
 Municipal commission, 550, 611, 613.  
   debts, 424.  
   government, 461, 777.  
 Mutchler, William, member of Congress, 397, 746, 889.  
 Myers, Leonard, member of Congress, 121.
- N**AVAL schools, 412.  
 National Guard, 211.  
   1872, 80.  
   1873, 160.  
   1875, 425.  
   1876, 481.  
   1877, 540.  
   1878, 604.  
   1879, 689.

## National Guard—Continued.

- 1881, 731.  
 1883, 916.  
 generals nominated in 5, 27, 36, 39, 41, 200, 217, 444, 445, 499, 501, 563,  
 564, 706, 720, 813.  
 Negley, James S., member of Congress, 122.  
 Nevin, R. R., nominated manager Pennsylvania Reform School, 652, 727.  
 New Jersey on fisheries in the Delaware, 30.  
 New York boundary line, 801.  
 Norris, A. Wilson, Judge Advocate General, 728.  
 Northumberland county, Veto of special prison legislation for, 827.  
 Noyes, Amos C., nominated Commissioner of Public Charities, 375, 561.

- O**HIO boundary line, 807.  
 river, Jurisdiction of United States over locks and dams on, 505, 561.  
 navigation, 174, 435, 549, 610.  
 Oil trade, On the, 650.  
 Oleomargarine legislation, 854.  
 O'Neill, Charles, member of Congress, 121, 396, 519, 703, 745, 888.  
 Ormsby, Veto of superfluous act relating to, 100.  
 Orphans' court legislation, Veto of, in case of the separation of new coun-  
 ties, 851  
 Orbis, John H., nominated to the bench, 381.  
 Osborne, Edwin S., nominated Major General, 444.  
 Osmer, J. H., member of Congress, 705.  
 Osterhout, W. H., nominated asylum trustee, 820.  
 Outerbridge, Albert A., reporter of Supreme Court, 814.  
 Over, James W., nominated to the bench, 814.  
 Overton, Edward, nominated asylum trustee, 374.  
 Jr., member of Congress, 520, 704.

- P**ACKER, John B., member of Congress, 122, 397.  
 Painter, John V., nominated to the bench, 381.  
 Palmer, Henry W., Attorney General, 720.  
 Pardoning power, 213.  
 Pardons, 1872, 93.  
 1874, 307.  
 1875, 422.  
 1883, 919.  
 commutations and executions, 1873, 173.  
 Parmlee, George N., nominated asylum trustee, 820, 928.  
 Patton, John D., member of Congress, 890.  
 Paxson, M., and Warren J. Woodward, proclamation electing to supreme  
 bench, 394.  
 Pearson, Alfred L., nominated Major General, 444.  
 Penal code, Veto of legislation on the, 184.  
 Penitentiary, Eastern, 642.  
 Western, 560, 609.  
 Penitentiaries and reformatories, 22, 165, 544, 906.  
 Penn, arrival in Pennsylvania, bicentennial of, 788.  
 Proclamation of bicentennial of landing of William, 883.  
 Remains of William, 917.  
 Pennsylvania Railroad Company, legislation returned for amendment, 220.  
 Penrose, Clement B., nominated to the bench, 640.  
 Pension, Veto of, to Edwin Hatch, 866.  
 Pensions, Veto of Mexican war, 739.  
 Perrin, A. N., nominated member Board of Agriculture, 799.  
 Philadelphia and Delaware Railway, Veto of further incorporation of, 29.  
 Philadelphia Banking and Savings Deposit Company, Veto of further in-  
 corporation of, 37.  
 powder magazine, 91.  
 Veto of sale of almshouse in, 820.

## Philadelphia—Continued.

- Veto of sale of municipal land in, 329.
- Veto of street cleaning legislation, 833.
- Veto of street opening in, 360.
- Pittsburg railroad riots, 1878, 585, 615.
  - Proclamation concerning the, 568, 570.
  - United States Marine Hospital in, 804, 806.
- Pleuro-pneumonia in cattle, On, 723.
- Police company, Veto of incorporation of Linesville, 42.
- Poll tax, 424, 489.
- Pomeroy, John M., nominated asylum trustee, 494, 644, 795 .
- Post, George A., member of Congress, 889.
- Powder magazine, Philadelphia, 91, 304.
- Powell, Joseph, member of Congress, 398.
- Powers, Thomas H., nominated inspector of Eastern Penitentiary, 642.
- Prayer, Proclamation of day of, for President Garfield, 876, 877.
- Prevost, Charles M., Major General, 201.
- Presidential electors, Proclamation of election of, 1872, 129.
  - 1876, 515.
  - 1880, 742.
- Printing, Joshua W. Jones, Superintendent Public, 444, 500, 559, 815.
  - John McCurdy nominated Superintendent Public, 199, 374.
  - State, 1874, 309.
- Prison legislation, Veto of special for Northumberland county, 827.
  - Veto of legislation on the Schuylkill county, 319.
- Prisons (see also penitentiaries), 1873, 165.
  - 1874, 295.
  - 1876, 487.
  - 1877, 544.
  - 1879, 687.
  - 1881, 782.
  - 1883, 906.
  - Veto of act relating to discharge of prisoners in counties not having special laws regulating, 860.
- Prisoners in county jails, Veto of act for fixing the board of, 857.
- Prize fighting, Punishment for, 934.
- Public works, Veto of legislation for damages from, 868.
- Proclamation concerning the Pittsburg railway riots, 568, 570.
  - concerning the Vienna exposition, 227.
  - erecting the county of Lackawanna into a judicial district, 722.
  - for elections, 84.
  - for suppressing disorder in the coal regions, 1871, 33.
  - of Bicentennial of landing of William Penn, 883.
  - of Constitution of 1873, 314.
  - of Constitutional amendment requiring the election of the State Treasurer, 196.
  - of day of prayer for President Garfield, 876, 877.
  - of election of delegates to Constitutional convention of 1872, 114.
  - of election of Harrison Allen Auditor General, 127.
  - of election of Henry Green to the Supreme bench, 741.
  - of election of Isaac G. Gordan to the Supreme bench, 278.
  - of election of James P. Sterrett to the Supreme bench, 665.
  - of election of John Trunkey to the Supreme bench, 572.
  - of election of Samuel Butler as State Treasurer, 737.
  - of election of Silas M. Bailey State Treasurer, 881.
  - of election of Silas M. Clark to the Supreme bench, 885.
  - of election of Ulysses Mercur to the Supreme bench, 125.
  - of election of Warren J. Woodward and Edward M. Paxson to the Supreme bench, 394.
  - of election on the question of erecting Lackawanna county from Luzerne, 656.
  - of members of Congress, 1872, 119, 133.
    - 1874, 295, 402.
    - 1876, 514, 518.

## Proclamation of members of Congress—Continued.

1879, 702.

1880, 744.

1882, 887.

of "Pennsylvania Day" at the Centennial exposition, 511.

of presidential electors, 1872, 129.

1876, 515.

1880, 742.

of the erection of Lackawanna county, 662.

of vetoes, 1874, 287.

1875, 447.

1876, 508.

1877, 567.

1878, 653.

1879, 732.

1881, 873.

on labor disturbances at Williamsport, 1871, 53.

Sinking fund, 1871, 50.

1872, 131.

1873, 280.

1874, 400.

1875, 450.

1876, 522.

1878, 700.

1879, 735.

1880, 749.

1881, 879.

1882, 892.

Thanksgiving, 1871, 49.

1872, 124.

1873, 277.

1874, 393.

1875, 449.

1876, 513.

1877, 571.

1878, 664.

1879, 734.

1880, 739.

1881, 878.

1882, 884.

to quell disorder in Luzerne and Schuylkill counties, 445.

to quell the railway riots of 1877, 617, 625.

**Q**UARANTINE station, removal of, 90.

Quartermaster General Elisha A. Hancock, 811.

Clarence G. Jackson, 728.

Quay, Matthew S., nominated recorder of Philadelphia, 646.

Secretary of the Commonwealth, 215, 720.

**R**AILROAD, Milford and Matamoras, 77.

company, Pennsylvania, legislation returned for amendment, 220.

Veto of Bunker Hill and Lafayette, 328.

Veto of incorporation of Coudersport and Port Allegheny, 365.

Veto of incorporation of Minnequa and Canton Passenger, 318.

Veto of incorporation of Montour Valley, 320.

Veto of incorporation of North and West Branch, 49.

Veto of incorporation of Pittsburg and South Side Steam Passenger, 351.

Veto of legislation for Pittsburg and Ormsby, 334.

Veto of legislation relative to the Saulsbury and Baltimore, 188.  
company's power to advance freight rates on coal, 8.

## Railroad—Continued.

- company, Saulsbury, 865.
- consolidations, 85.
- freight discrimination, 693, 773.
- riots, Pittsburg, 1878, 585, 615.
- Proclamation concerning the Pittsburg, 568, 570.
- Randall, Samuel J., member of Congress, 121, 396, 519, 703, 745, 889.
- Read, John M., Death of, 4, 36.
- Louis W., nominated surgeon general, 443, 506, 728.
- Reading, Veto of auction legislation for, 361.
- Real estate, Veto of legislation for perfecting conveyances of, under sales made by executors and trustees, 384.
- Rebellion claims, 805.
- Recruiting services, Veto of payment of Ira Mitchell for, 346.
- Reed, Henry Van, nominated to the bench, 438.
- Reeder, Frank, Brigadier General, 813.
- Howard J., nominated Fishery Commissioner, 560.
- nominated to the bench, 813.
- Reformatory, Huntingdon, 801, 903, 933.
- Reform school, Pennsylvania, 652, 727, 907, 932.
- Relly, James B., member of Congress, 397, 520.
- John, member of Congress, 398.
- Revolution, see Cowpens, Yorktown.
- Richmond, Hiram L., member of Congress, 122.
- Riddle, John S., inspector of rifle practice, 728.
- Riots, Pittsburg railroad, 1878, 585, 615.
- Proclamation concerning the Pittsburg, 568, 570.
- Road opening, Veto of damage legislation for John Hoffner, 263.
- legislation, Veto of special for Berks county, 826.
- Veto of special for Schuylkill county, 189.
- Robbins, John, member of Congress, 297.
- Ross, Sobieski, member of Congress, 122, 398.
- Rothermel, P. F., Letter from, 99.
- Russell, Andrew F., nominated asylum trustee, 558, 800.
- Ryon, John W., member of Congress, 704.

**S**ALARIES for county officers, 488.

- School buildings, 549.
- Veto of appropriation to re-erect, burned at Milton, 862.
- houses, veto of prohibition of steam factories adjacent to, 267.
- Schools in 1872, 77.
- 1873, 154.
- 1874, 291.
- 1875, 407, 457.
- education and, 1877, 534.
- 1878, 584.
- 1883, 900.
- Naval, see also nautical, 412.
- Normal, 459, 759.
- Public, James P. Wickersham, State Superintendent, 106.
- Reform, 1881, 759.
- 1883, 907.
- Schuck, S. B., nominated to the bench, 650.
- Schuylkill Manufacturing Company, Veto of, 251.
- Scofield, Glenni W., member of Congress, 120.
- Scott, John, nominated asylum trustee, 507.
- nominated manager Western Pennsylvania Hospital, 641.
- William F., nominated to the bench, 699.
- Scranton, Joseph A., member of Congress, 746.
- Silk company, Veto of, 233.
- Veto of legislation for the Miners Savings Bank of, 248.
- Veto of the Home for the Friendless in, 236.

- Sealers of weights and measures, 853.  
 Secretary of the Commonwealth, Francis Jordan, 927.  
   John Blair Linn, 646.  
   Matthew S. Quay, 215, 720.  
 Selfridge, James L., nominated Major General, 6.  
 Sellers, George, nominated to the bench, 557.  
 Senator, Resignation of Simon Cameron as United States, 566.  
 Sewer legislation, Veto of, 825.  
 Shallenberger, William S., member of Congress, 121, 747, 705.  
 Sheakley, James, member of Congress, 398.  
 Shippensburg Iron and Manufacturing Company, Veto of extension of time  
   for payment of an enrollment tax of, 3.  
 Shoemaker, Lazarus D., member of Congress, 122.  
 Shoenberger, John H., nominated Centennial manager, 502.  
 Sigfried, Joshua K., nominated Brigadier General, 706.  
   nominated Major General, 6, 444.  
 Sinking fund, 1871, 50.  
   1872, 181, 214.  
   1873, 289, 285.  
   1874, 400.  
   1875, 450.  
   1876, 522.  
   1878, 577.  
   1879, 670, 700.  
   1880, 749.  
   1881, 879.  
   1882, 892.  
 Smith, Abraham Herr, member of Congress, 121, 397, 519, 703, 746, 889.  
   George F., nominated Judge Advocate General, 567.  
   Thomas J., Commissary General, 728.  
 Snowden, George R., nominated Brigadier General, 706.  
 South Bethlehem, Veto of act relative to assessments in, 342.  
   Veto of legislation for St. Luke's Hospital at, 235.  
 South Carolina on the Cowpens memorial, 796.  
 Soldiers' orphans, 294, 412, 460, 759, 903.  
   James P. Wickersham State Superintendent, 7.  
 Somerset, Veto of appropriation for the relief of, 237.  
 Spain, difficulties with, 311.  
 Speer, R. Milton, member of Congress, 122.  
 Springfield, Veto of legislation for St. Andrew's church of, 201.  
 Stanton, David, Death of, 93.  
   W. H., member of Congress, 514.  
 Starr, George W., nominated asylum trustee, 820, 927.  
   James, nominated Brigadier General, 445.  
 Statistics, Bureau of, 303, 430.  
 Statuary for the National Capitol, 550.  
 Stauffer, Jacob, nominated to the bench, 439.  
 Steamship company, America, 207.  
 Stenger, William S., member of Congress, 388, 520.  
 Sterrett, James P., nominated to the bench, 562.  
   Proclamation of election to the Supreme bench, 665.  
 Stock, Vagrant, in Lackawanna county, 822.  
   in West Donegal, 824.  
 Stone, R. B., nominated asylum trustee, 928.  
 Storm, John B., member of Congress, 121, 889.  
 Strawbridge, James D., member of Congress, 122.  
 Street cleaning legislation, Veto of Philadelphia, 833.  
   opening in Philadelphia, Veto of, 360.  
 Strike of miners in the anthracite coal region, 1871, 32.  
   The Pittsburg railroad, 585, 615.  
 Surgeon general, Louis W. Read nominated, 443, 506, 728.  
 Surveyors' fees in Clearfield county, Veto of special legislation regarding, 823.  
 Surveyors, State Board of, 786.

- T**AX and water legislation for cities of the third class, 864.  
 enrollment, Veto of extension of time for payment of, 39.  
 exemption, Veto of, for the Stevenson Varnish and Paint Company, 344.  
 legislation for Middletown, Veto of, 186.  
 on Credit Mobiler, 73.  
 Poll, 424.
- Taxes, Veto of act relating to finances and, in cities of the second class, 835.
- Taxation of bank shares, Veto of legislation on the assessment and, 828.
- Taylor, Alexander W., member of Congress, 122.  
 Bayard, Death of, 696.  
 Charles E., nominated to the bench, 643.
- Thanksgiving proclamation, 1871, 49.  
 1872, 124.  
 1873, 277.  
 1874, 393.  
 1875, 449.  
 1876, 513.  
 1877, 571.  
 1878, 664.  
 1880, 739.  
 1881, 878.  
 1882, 884.
- Thayer, Russell, nominated Brigadier General, 499.
- Thompson, James, Death of, 436.  
 John M., member of Congress, 521.
- Throop, Benjamin H., nominated asylum trustee, 374, 494, 699, 930.
- Townsend, Washington, member of Congress, 121, 397.
- Todd, Lemuel, member of Congress, 120.
- Treasurer, State, 152.  
 Constitutional amendment requiring the election of, 196.  
 Proclamation of election of Silas M. Bailey, 881.  
 Proclamation of election of Samuel Butler, 737.  
 Writ for vote on Constitutional amendment providing for election of, 112.
- Trespass legislation, Veto of special for Westmoreland county, 829.
- Trout legislation for Cumberland county, Veto of, 360.
- Turney, Jacob, member of Congress, 398, 520.

- U**NIONTOWN, Veto of increase of powers of corporate authorities of, 265.  
 United States, disapproval of certain attempts for collecting money  
 already paid by the, 103.  
 jurisdiction over locks and dams on the Ohio river, 505, 561.  
 Marine Hospital in Pittsburg, 804, 806.

- V**ACCINATION, Compulsory, 87.  
 Vagrancy, 1876, 486.  
 Van Allen, Timothy O., nominated asylum trustee, 500, 800.
- Vaux, Richard, nominated inspector Eastern Penitentiary, 642.
- Veto of act authorizing common carriers to sell unclaimed property, 229.  
 for fixing the board of prisoners in county jails, 857.  
 for the protection of deer in Pike county, 346.  
 to relieve Thomas F. Kerns from payment of State funds lost by failure  
 of a bank, 871.  
 relating to auctioneers in cities of the first class, 860.  
 relating to discharge of prisoners in counties not having special laws  
 regulating prisons, 860.  
 relating to election of county officers where the counties constitute a  
 separate judicial district, 856.  
 relating to finances and taxes in cities of the second class, 835.  
 relative to absentees, 313.  
 relative to assessments in South Bethlehem, 342.

## Veto of act—Continued.

- relative to a city code in cities of the third class, 852.
- relative to construction of State Arsenal, 646.
- securing regular pay to laborers, 844.
- securing to coal and iron laborers regular and lawful money wages, 829.
- vesting the property of bodies of deceased persons in certain heirs, 847.
- appropriation for publication of proceedings of Constitutional convention, 224.
- appropriation for the relief of citizens of Somerset, 237.
- appropriation to re-erect school buildings burned at Milton, 862.
- auction legislation for Lancaster, 187.
- auction legislation for Reading, 361.
- authority for Isaac W. Yeakel to sell certain real estate, 368.
- bond issue for Blairsville, 369.
- bond issue for Brookville, 331.
- change of name of Dollar Real Estate Loan Association, 104.
- creation of Fishery Commissioners, 1873, 190.
- Downingtown Water Works, 367.
- enlargement of jurisdiction of courts of common pleas, 808, 858.
- enlargement of West Indiana borough, 348.
- extension of legislation on mechanics' liens, 48.
- extension of term of Henry Wentz, a justice of the peace, 31.
- extension of time for paying enrollment tax, 3, 39.
- further incorporation of the Philadelphia and Delaware Railway, 29.
- further incorporation of Philadelphia Banking and Savings Deposit Company, 37.
- further incorporation of Thiel College, 250.
- incorporation of American Advertising Company, 333.
  - American Tube Company, 318.
  - Anthrax Fuel Company, 274.
  - Allodial Land and Improvement Company, 270.
  - Austin Contract and Improvement Company, 322.
  - Beaver Deposit Bank, 46.
  - Bradford Coal Company, 349.
  - Broad Mountain Lumber Company, 273.
  - Bullock Printing Press Company, 345.
  - Bunker Hill and Lafayette Railroad Company, 328.
  - Cameron Building, Loan and Savings Association, 370.
  - Central Market Company of Allegheny, 251.
  - Central Mutual Life Insurance Company, 317.
  - Chester Wharf and Shipping Company, 337.
  - Christian Missionary Convention, 244.
  - Compound Trust Bank, 343.
  - Coudersport and Port Allegheny Railroad Company, 365.
  - Coudersport Savings Bank, 189.
  - Cumberland Manufacturing Company, 275.
  - Cutlan Shoe Manufacturing Company, 274.
  - Cutlan Shoe Sewing Company, 102.
  - Delaware Valley Fire and Marine Insurance Company, 357.
  - Eastern Mutual Life Insurance and Trust Company, 359.
  - Employment and Construction Company of Philadelphia, 323.
  - Engle Keller Manufacturing Company, 333.
  - Enterprise Warehouse and Deposit Company of Indiana County, 331.
  - Equality Life Insurance Company of Pennsylvania, 264, 332.
  - Eureka Printing House Company, 358.
  - Evangelical conference church building society, 235.
  - Franklin Manufacturing Company, 276.
  - Gibraltar Insurance Company, 340.
  - Graybill Mercantile Company, 342.
  - Greensburg Non-explosive Oil and Gas Company of Pennsylvania, 259.
  - Hestonville Bank, 324.
  - Hoboken Real Estate Savings Bank of Pittsburg, 228.
  - Home for the Friendless in Scranton, 236.



## Veto of incorporation of—Continued.

- Home Savings Bank of Pittsburg, 56.
- Indiana County Deposit Bank, 109.
- Indiana Lumber Company, 355.
- King Creek Slate and Iron Company, 271.
- Lafflin Powder Company, 338.
- Lancaster Transfer Company, 340.
- Lehighon Savings Bank, 107.
- Linesville Police Company, 42.
- Loyalhanna Mining and Manufacturing Company, 354.
- the Machinists' Company, 347.
- the Marine Bank, 371.
- the Marine Building Company, 358.
- Merchants' and Manufacturers' Bank of Philadelphia, 326.
- Middle Lehigh Coal Company, 328.
- Military College of Philadelphia, 362.
- Minnequa and Canton Passenger Railroad Company, 318.
- Monongehela Improvement Company, 363.
- Monongehela Savings and Deposit Bank, 105.
- Montour Valley Railroad Company, 330.
- National Trust Company of Pittsburg, 272.
- North and West Branch Railroad Company, 49.
- Pacific Lard and Mining Company, 335.
- Philadelphia Bone and Phosphate Company, 352.
- Philadelphia Real Estate Company, 334.
- Phosphor Bronze Company, 320.
- Pittsburg and South Side Steam Passenger Railroad, 351.
- Saxon Color Manufacturing Company, 349.
- Schaeffer Run Lumber Company, 369.
- Schuykill Manufacturing Company, 251.
- Scott Iron and Manufacturing Company, 247.
- Scranton Silk Company, 233.
- Second National Loan and Homestead Association of Allegheny, 258.
- Sharpsburg and Etna Savings Bank, 57.
- Sloan Manufacturing Company, 348.
- South Side Land and Improvement Company, 350.
- Southern Land and Mining Company, 336.
- Standard Steel Company, 341.
- Towanda Trading Company, 368.
- Washington Bank of Philadelphia, 365.
- Watsonstown Car Manufacturing Company, 254.
- Waynesboro Savings Bank, 58.
- Westmoreland Mining, Manufacturing and Improvement Company, 316.
- Wilkes-Barre City Hospital, 248.
- increase of powers of corporate authorities of Uniontown, 265.
- investigating committee on the Pennsylvania Agricultural College, 725.
- judiciary legislation, 837.
- legislation concerning leases of real estate of married women, 249.
- legislation concerning Williamsport Lumber Company, 255.
- legislation for the Barre Iron and Coal Company, 356.
- Black Lick Improvement Company, 312.
- Brookville Gas and Water Company, 344.
- Butchers' and Drivers' Bank, 372.
- Columbia Insurance Company, 246.
- Corry Provident Building and Loan Association, 331.
- damages from public works, 868.
- Franklin Bank of Philadelphia, 266.
- Iron City Mutual Life Insurance Company, 252.
- Lancaster Home Mutual Fire Insurance Company, 253.
- Lehigh County Mutual Fire Insurance Company, 234.
- landlord legislation for Mifflin county, 364.
- Miners' Savings Bank of Scranton, 248.

## Veto of Legislation for—Continued.

- perfecting conveyances of real estate under sales made by executors and trustees, 284.
- Philadelphia Car Manufacturing Company, 361.
- Phoenix Iron Company, 276.
- Pittsburg and Ormsby Railroad Company, 334.
- Ruby Silver Mining Company, 338.
- Russian Bath Company, 313.
- St. Andrew's Church of Springfield, 261.
- St. Luke's Hospital at South Bethlehem, 235.
- Zion's Church of Alsace township, 262.
- on assessment and taxation of bank shares, 825.
- election of judges, 45.
- election of town council in Connellsville, 219.
- penal code, 184.
- Schuylkill county prison, 319.
- settlement of State land claims, 59.
- Saulsbury and Baltimore Railroad Company, 188.
- Mexican war pensions, 729.
- modification of act relating to executions, 25.
- modification of Philadelphia Fire Extinguishing Company, 355.
- oleomargarine legislation, 854.
- orphans' court legislation in case of the separation of new counties, 851.
- payment of Ira C. Mitchell for recruiting services, 346.
- pension to Edwin Hatch, 866.
- Philadelphia street cleaning legislation, 833.
- prohibition of steam factories adjacent to school houses, 267.
- repeal of an act relative to sealers of weights and measures, 853.
- repeal of authority of market clerks to make test weights of butter, etc., 859.
- repeal of incorporation of the Clarion River Navigation Company, 353.
- road legislation in Schuylkill county, 189.
- road opening damage legislation for John Heffner, 263.
- special butter legislation, 854.
- special election legislation for Mauch Chunk, 185.
  - for Westmoreland county, 850.
  - for the Bellefonte Water Works, 824.
  - for election of commissioner's clerk in York county, 821.
  - for payment of debts of a Wilkes-Barre school district, 260.
  - for vagrant stock in Lackawanna county, 822.
  - for vagrant stock in West Donegal, 824.
  - regarding surveyor's fees in Clearfield county, 823.
- special prison legislation for Northumberland county, 827.
- special road legislation for Berks county, 826.
- special trespass legislation for Westmoreland county, 829.
- sale of almshouse in Philadelphia, 320.
- sale of municipal land in Philadelphia, 329.
- sewer legislation, 825.
- street opening in Philadelphia, 360.
- superfluous act relating to Ormsby, 100.
- supplement to charter of Salisbury Railroad Company, 865.
- tax and water legislation for cities of the third class, 864.
- tax exemption for the Stevenson Varnish and Paint Company, 344.
- tax legislation for Middletown, 186.
- trout legislation for Cumberland county, 360.
- Vetoes, proclamation of, 1874, 387.
  - 1875, 447.
  - 1876, 508.
  - 1877, 567.
  - 1878, 653.
  - 1879, 732.
  - 1881, 873.
- Vienna exposition, 227, 309.

- W** AGES, Veto of act securing regular and lawful money, to coal and iron laborers, 829.  
 Wagner, Louis, nominated Brigadier General, 445.  
 Wairing Richard S., nominated manager Pennsylvania Reform School, 652.  
 Walker, James D., chief of artillery, 812.  
 Robert J. C., member of Congress, 747.  
 Wallace, John W., member of Congress, 398.  
 War claims, rebellion, 40, 66, 108, 805.  
 Mexican, Veto of pensions, 729.  
 Ward, William, member of Congress, 519, 703, 746.  
 Waring, R. S., nominated manager Pennsylvania Reform School, 727.  
 Warner, Henry, nominated manager Pennsylvania Reform School, 652.  
 Water legislation for cities of the third class, 864.  
 Watson, Lewis F., member of Congress, 521, 748.  
 Wells, Francis, nominated Commissioner of Public Charities, 375, 440.  
 Wentz, Henry, a justice of the peace, Veto of extension of term of, 31.  
 West Indiana borough, Veto of enlargement of, 348.  
 Westmoreland county, Italian riots, 428.  
 Veto of special legislation for, 850.  
 Wetmore, L. D., nominated asylum trustee, 820.  
 Weyand, Jacob, nominated manager Pennsylvania Reform School, 727.  
 White, Harry, member of Congress, 521, 705.  
 nominated Major General, 6, 444.  
 Whitmore, Joseph K., nominated to the bench, 503.  
 Wickersham, James P., Superintendent of Public Schools, 106, 504.  
 State Superintendent Soldiers' Orphans, 7.  
 Wightman, Thomas, nominated manager Pennsylvania Reform School, 652.  
 Wilkes-Barre City Hospital, Veto of, 248.  
 school district, Veto of special legislation for payment of debts of a, 260.  
 Willcox, Joseph, nominated Commissioner of Geological Survey, 653.  
 Williamsport Lumber Company, Veto of legislation concerning, 255.  
 Proclamation on labor disturbances at, 1871, 53.  
 Wills, David, nominated to the bench, 381.  
 Wilson, Henry, nominated to the bench, 498.  
 Winans, Jacob S., Major General, 200.  
 Windom, William, Letter from, 806.  
 Wise, Morgan R., member of Congress, 705, 747.  
 Women, married, Veto of legislation concerning leases of real estate of, 249.  
 Wood, Alan, Jr., member of Congress, 397.  
 Woodward, George W., Death of, 490.  
 Warren J., Death of, 732.  
 and Edward M. Paxson, Proclamation of election, to the Supreme bench, 394.  
 Worthington, Wilmer, nominated Commissioner of Public Charities, 375.  
 death of, 310.  
 Wright, Hendrick B., member of Congress, 520, 704.  
 George W., nominated asylum trustee, 820.  
 Writ for vote on Constitutional amendment providing for election of State Treasurer, 112.  
 Writs of error in criminal cases, 81, 154.
- Y** EAKEL, Isaac W., Veto of authority for, to sell certain real estate, 268.  
 Yerks, W. H., Judge Advocate General, 508.  
 Yocum, Seth H., member of Congress, 704.  
 York county, Veto of special legislation for the election of commissioner's clerk in, 821.  
 Yorktown centennial, 789.  
 Young, Hugh, nominated asylum trustee, 494, 699, 930.  
 James, nominated member Board of Agriculture, 698.

**Z** EM, Peter, nominated manager Pennsylvania Reform School, 652.



# 4<sup>u</sup>66

















